

ARCHIVES OF MARYLAND

Published by authority of the State

VOLUME XL

This volume is ready for distribution and contains the Acts and Proceedings of the General Assembly of the Province, during the Sessions held from 1737 to 1740. During this period, Samuel Ogle was Governor and he met difficult situations with tact and firmness. It was a time of dissension between the two Houses and Sessions were often dissolved without any laws being passed.

At the Session held in April and May 1737, Benjamin Tasker was President of the Upper House and James Harris, Speaker of the Lower one. It was the third Session of the Assembly elected in 1734 and was a rather peaceful one. Addresses to the King and the Prince of Wales were adopted on account of the marriage of the latter. The Upper House refused to pass the Journal of Accounts, because the Lower one would not appropriate money for the Chief Justice of the Provincial Court. There are signs of the settlement of the "remote and back part of the Province." The growing grain trade is shown by a vote to permit inhabitants, who were not tobacco-makers, to pay in specie instead of in tobacco.

In August 1737, a very great drought caused a brief Session to prohibit the exportation of grain. The Pennsylvania border troubles took up some time. Richard Tilghman became President of the Council.

A new Assembly met in 1738 and a childish quarrel arose, in which the Lower House stood upon its dignity because of the manner in which a message from the Upper House was sent. Consequently, no laws were passed. Colonel John Mackall was Speaker and Matthew Tilghman Ward, President of the Upper House. Some of the officials in Dorchester and Talbot had to answer charges of oppression and extortion before the Lower House.

In 1739, a new Assembly held a session and again passed no laws. The Lower House again showed itself irritable and irascible and also refused, as usual, to pass a perpetual law as to fees. The Delegates finally refused to continue the temporary laws and Ogle refused to sign any laws passed, lest the meeting should become a Session and then terminate these laws.

A third new Assembly met early in 1740 and managed to pass one law for the raising of troops to serve in the war between England and Spain. The Lower House chose Philip Hammond of Anne Arundel County as Speaker and showed itself very much afraid that it should be overruled by the Upper one. It also adopted an address to the King, reciting grievances, and was insistent upon a claim to have an agent appointed in England.

It is expected that volume XLI will continue the Judicial Business of the Provincial Court from 1658, being the third volume of the Court Report Series.

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THE THOROUGHBRED HORSE AND MARYLAND

WILLIAM WOODWARD.

Read before the Society at a special meeting on November 28th, 1921.

Ladies and Gentlemen,—I hope to tell you, tonight, something of the story of the thoroughbred horse in Maryland in a way that will appeal to you. Maryland has always been a sporting community. From the very earliest days the gentlemen of Maryland were interested in the horse, and, wanting the best of his race, they turned their attention to the English thoroughbred and to the Arabian, and by frequent importations and careful breeding and raising, they became, together with their near neighbors and kinsmen from Virginia, the pioneers and the leaders in the thoroughbred industry of the new world.

Present-day Marylanders do not realize what very serious attention was given in those early days to the study and development of the thoroughbred; how carefully their progenitors selected the importations from the old world and what remarkable animals were brought over to this country. Nor do many people realize the charm which surrounds the study of the thoroughbred as woven into the history of a State and a country, for in our modern busy life we hardly have time, for instance, to picture the landing in the early days of the thoroughbred horse imp. "Victory" from England, at Phila-

delphia, and his "drowning in Dock." What a disappointment to the gentlemen who imported him! In what sort of a ship did he come? How was he taken from the ship to the dock? Would he have walked a number of score of miles to his destination? Or, how Commodore Jones brought to this country in 1824 in the frigate Constitution from the Barbary States, a certain Arabian stallion, who is mentioned in the stud books as follows:

JONES'S ARABIAN, gr.,

Foaled 1820. Purchased at Tunis by the American Consul for Commodore Jones, who imported him in the Frigate Constitution, 1824. He was a good specimen of his race.

Think of this a moment! How was he loaded? Was he boxed on the gun deck? or, how was he shipped? It is an interesting illustration of the interest in the horse, in the older days.

Nor is it easy for us to picture the importation to this country in 1799, within sixteen years of the Revolution, of the winner of the first English Derby—Diomed—to a new home in Virginia. That was done, however, by Col. John Hoomes. Nor later on, a hundred years or so ago, the importation of the horse who ran the St. Leger twice in one day, owing to a false start, and won it the second time; his importation was to Boston in the cold and chilly climate, where he had some, but only moderate, success as a stallion. That was Barefoot: imported by Admiral Sir Isaac Coffin, a native of Massachusetts.

In taking Wallace's American Stud Book and running over the names of those who were Maryland breeders of horses in those early days, we find Governors Sprigg, Ogle, Eden and Paca, Colonel Tasker, General Forman, George W. Duvall, Edmund Duvall, Walter and Robert Bowie, Philip Wallis of Baltimore, W. Tilghman, Robert W. Harper, George Semmes, H. G. S. Keys, St. Mary's County; James Ringgold of Anna-

polis, Robert Gillmore, N. Stonestreet, Colonel Silliman, Joseph N. Burch, Dr. Reeder, Overton Carr, etc. etc.

These, as you can see, were the distinguished men of the State in their time. You can also see they were men from whom many of you in Maryland are sprung, and it should, therefore, be with an intimate relationship to your own family tradition that the study and love of the thoroughbred horse should come.

And there is another point of view equally interesting. The breeding of the thoroughbred is very intensive, and the lines of blood appear time and time again. In looking up pedigrees, any one who is but a pupil soon recognizes that the lines of blood are limited in number, and then the confusion which at first appears to exist, ceases; and therefore when any of us sees the performers on the turf today at Pimlico, Laurel, Havre de Grace or Bowie, we see, in most instances, lineal descendants of the horses that lived in or about the very farms with which many of us are closely associated, or in which we may have a deep interest. This should bring the present-day thoroughbred, whether raced in Maryland, Kentucky or elsewhere, very close to any one who is sufficiently interested in the history, traditions and the story of his State to be a member of this organization. And that is the point of view from which I would appeal to you.

You will readily see that one who approaches the subject from this angle becomes interested, and has an affection for it, wholly irrespective of the question of what horse wins a race, and particularly apart from the question of betting. It is true that the public at large insists on betting, but the breeding end of the business and the farm are so totally divergent from the betting end, or the "merry-go-round," that there exist two distinct points of view; and no one can be long interested in the thoroughbred, unless interested in the breeding end of the business. As a corollary to this thought, Marylanders, with the racing end so highly developed, should take a primary interest in breeding, for Maryland has from earliest days im-

ported the best, has raised the best, has sent out the best, and has provided foundation stock whose progeny have lasted for well over one hundred and fifty years. That is a community industry well worth while, one of importance to any State, one which the citizens should take interest in generally, and one which aids in accumulating wealth for a State, through the profitable and honorable employment of many, many individuals.

To get the picture of the early days, it is really essential to glance for a moment at the first development of the British thoroughbred. Some may be familiar with this story, but they must bear with me, for others may not be—and in order to have a point to which we may refer from time to time, it is necessary to briefly review the facts.

Accounts of the royal stud in the day of Henry VIII show that the racing of horses was regularly practiced. Under date of April, 1532, there was a charge of 7s. 2d. for making a bath for one of the Arabian racers training at Windsor. Thomas Ogle (strange that the name should be a Maryland name) was described as the gentleman rider of the stables.

Queen Elizabeth is said to have become a liberal patroness of racing and maintained the royal stud founded by her father. Royalty was present at the Croydon meetings in 1587 and 1588.

James I paid a visit to Newmarket at the end of February, 1605; and it is quite evident from contemporary writings that racing matters had progressed considerably during the reign of Charles I. He had a stud of race horses at Tutbury, in Staffordshire, an inventory of which was taken when it came into the possession of the Parliamentary forces. Six of them—animals of Eastern origin—were given to one Colonel Jones, who was at the head of the forces that defeated those of the Duke of Ormund in Ireland, and they were eventually taken over to Ireland.

Then came the Commonwealth. Puritanism and the turf

did not mix very well, although Sir Oliver Cromwell, uncle of the Protector, kept horses and had won a race at Huntingdon in 1602. One of the earliest acts of the Council of State was to prohibit horse racing. Hunting, hawking and football were also forbidden.

Later, in the reign of William and Mary, the King again formed a racing stud under the charge of Tregonwell Framp-ton, a man of sporting prominence at that time; and in the importation of Eastern horses William III gave his subjects a good lead. He sent one Marshall to Morocco to obtain thoroughbreds from the Arabs. Private breeders followed the King's example, and many Barbs, Arabians and Turks were imported into England. The most notable arrival at this period was the horse who subsequently became known as the Byerly Turk, founder of the great Herod family of thoroughbreds. He was imported by a Captain Byerly, who used him as a charger during King William's campaign in Ireland. Herod was his great-great-grandson through Jigg, Partner and Tartar.

About this time the Darley Arabian was also imported. The Darleys were a Yorkshire family—merchants, who had travelled abroad a good deal; and the horse was purchased on one of Mr. Darley's journeys, at a moderate figure. Bred to a mare, Betty Leedes, there was produced Bartlet's Childers, to whom it has been stated that nine-tenths of the thoroughbreds of the present day trace. He was the sire of Squirt, he the sire of Marske, he the sire of the great Eclipse.

In 1727 George II succeeded to the throne, and at about that time the Godolphin Arabian, or Barb, arrived in England. He established a distinct line, called the Matchems; Matchem himself being the grandson of the Godolphin, foaled in 1748. The Godolphin was originally found in Paris by Mr. Coke of Norfolk, who brought him to England; and the horse eventually passed into the possession of the Earl of Godolphin.

So we have the three great male lines of England in Matchem (1748), Herod (1758) and Eclipse (1764).

Volumes could be written in regard to Eclipse—in fact, they have been written—but suffice it for our purpose to realize the origin of the three great male lines of thoroughbred blood, greatly developed by the breeders of England, exported to all lands, and developed by the breeders of those countries.

Now, to return to Maryland and to run over some of the facts and stories of its breeding industry. I shall endeavor not to make too definite statements, for there are opinions on all matters, and in no sense do I wish to cross swords with my brother breeders on matters of opinion; and while the facts I refer to have been taken from various well-known books and articles on the subject, if by any chance there should be an error in date or description, I hope that I may be forgiven, for my time has been short and the subject is voluminous.

It is a pleasure to go over the first volume of the American Stud Book and to pick out the great horses of the time, and to find, time after time, the name of a new breeder or owner in Maryland or Virginia, which indicates that "another county has been heard from," in other words, such a review shows clearly that, in spite of drawbacks of distance, travel and lack of association, the breeding industry was in the early days remarkably well diversified in the various farms of the State, principally, of course, in and about Annapolis, Prince George's County and Baltimore County, and somewhat on the Eastern Shore.

Two men deserve special notice in the very early days: Governor Sharp of Whitehall and Benjamin Tasker of Belair, Prince George's County. Their respective importations were Othello and Selima. These names should always be borne in mind, from the Maryland standpoint; and closely allied were the importations of Spark, presented to Governor Ogle by Lord Baltimore in about 1750, of Tanner imported into Maryland by Daniel Wolstenhome in 1757,—Fearnought in 1764 by Colonel John Bayler of Virginia; in 1754 Moreton's Traveller, who stood at Richmond Court House; Medley in

1784 by Mr. Hart of Southampton County, Virginia. Then came the great Diomed in 1799 by Colonel Hoomes of James River, Virginia.

In England, as has been mentioned, the three great lines came from the Darley Arabian, the Godolphin Arabian and the Byerly Turk, who in turn are the progenitors of Eclipse, Matchem and Herod. It was this blood that our ancestors wished to obtain, and did obtain. The great Eclipse line of England, in the latter part of the nineteenth century, flourished in the great horse and sire—St. Simon. It had come down through King Fergus, Blacklock, Voltigeur, and on down to St. Simon. The dam of King Fergus was Creeping Polly by a good horse called Othello, known in English books also as "Black and All Black." Governor Sharp imported about 1755 a horse of the same names and of the same breeding. He was foaled the same year. Taunton's "Portraits of Celebrated Race Horses" tells us that "though Othello served but few mares (in England), yet from his blood have sprung several very valuable racers, stallions and brood mares." Volume 4 (p. 382) of the "American Turf Register and Sporting Magazine" tells us this horse was imported into Maryland probably in 1757 or 1758.

While there is occasional questioning whether this is the same horse, I can find nothing to deny it, and at all events the importation must be hailed as an outstanding one,—the best English blood of the time, to Annapolis. Othello stood at Beale's Neck, on the north side of Robert's Creek, near Annapolis, at 4 gs. and a dollar.

A few years prior to this importation, in about 1750, Benjamin Tasker imported the mare Selima. She was by the Godolphin Arabian and when brought to this country was raced with great success. She was put in the stud at Belair.

When mated with imported Othello, who was standing twenty-one miles away, she produced a horse called Selim, the greatest race horse of his day. Enough cannot be said of the

value of this blood and of this mating, for their offspring are the progenitors of many of the most celebrated horses of our time. Selima is the female ancestor of the great horse Hanover through her daughter Stella; Calypso, her great-granddaughter, is the fourth dam of Enquirer. Had Selima not lived the great brood mare Aerolite, dam of Spendthrift, would not have lived. Spendthrift is the male progenitor of Man o' War. Selima, through her son, Partner, is in the pedigree of American Eclipse. Her son Ariel was the sire of the sixth dam of Lexington. The great Commando line of the present day and all its descendants—Colin, Peter Pan, Peter Quince, Celt, etc., and their descendants; Tryster, the best two-year-old of last year; the fine mare Prudery, and Miss Joy this year and the great Morvich, and many others would never have existed, for they got the blood of Selima imported to Maryland.

I hardly think it necessary to go further. One could mention names of great horses into the thousands; for instance, Exterminator and Boniface, who ran head and head for two miles and a quarter at Pimlico the other day in the Cup, neither one would have lived had it not been for Selima, and the energy, enterprise and initiative of the early Maryland men. This is what I am here to emphasize; let me charge you with its memory. These things happened in the days of Braddock's defeat.

"After this time it appears to have been considered part of the duty of a Governor of Maryland to keep a racing stud; as, succeeding Governor Ogle, the importer of famous animals, Governors Ridgely, Wright, Lloyd and Sprigg were all determined turfmen and supporters of the American racing interest. . . ."

We find Selim, Selima's son, standing at the head of the turf and racing in 1762-1770, a very great horse in his time. He had been sold by Colonel Tasker to Samuel Galloway for £1,000 as a yearling in 1760. He won at Annapolis and at all points, up as far north as Philadelphia.

At this time Robert Eden was Governor and the Maryland turf was very fashionable.

From 1771 to 1773 Colonel Lloyd's imported mare Nancy Bywell by Matchem stood at the head of racing. She was undoubtedly the best of her day. She won for several years the Jockey Club purse at Annapolis, beating among others Dr. Hamilton's Primrose by imp. Dove, destined to be an ancestress of Hanover.

This was just prior to the Revolution and "when the fall races, at Annapolis, were about to be run, they were postponed by recommendation of Congress in consequence of a report upon the state of the country. All quietly returned to their homes."

"On the renewal of peace, with the revival of its amusements, the Maryland Jockey Club, at Annapolis, was placed on its former respectable footing, when it was considered a distinguished honor to be a member of it,"—composed only of such gentlemen as his excellency, Gov. Paca, Richard Sprigg, Esq. (Stewards), Hon. Ed. Lloyd, Hon. Benj. C. Stoddert (the first Secretary of the Navy), Col. Stone (afterwards Governor), Hon. Ch. Carroll of Carrollton, Col. John Eager Howard (afterwards Governor), Benj. Ogle, Esq. (afterwards Governor), Hon. Geo. Plater (afterwards Governor), Gen. Cadwallader, Messrs. Tilghmans, Steuarts, &c., &c.

In 1791, Colonel John Tayloe of Mt. Airy, Virginia, came upon the turf. One might say that his importations, which were animals of the highest class, were closely related to those of our State. Colonel Tayloe himself was related by friendship and later by marriage to Maryland. While he made many importations, his greatest horses were not imported. One was a son of Diomed,—Sir Archy,—and the other—Bellair—a great-grandson of Selima. He did import a fine English mare, Castianira by Rockingham, in 1799, and having mated her with Diomed, who was standing at Colonel Selden's, below Richmond, she produced in 1805 the very great Sir Archy. Sir Archy was easily the greatest of our stallions of that time. He did not run many races, but beat all the best of his day. He was a Herod horse. He got:

Timoleon	Gohanna	
Virginian	{ Roanoke	{ bred by
Bertrand Pacific	{ Janus	{ Hon. John Randolph
Lady Lightfoot	{ Mark Anthony	{ of
Sir Henry	{ Rinaldo	{ Virginia
Sir William	Creeping Kate	
Mucklejohn	Sir Arthur	
Tecumseh	and many others.	

It is necessary to refer to Mr. Tayloe's importations and breedings for it was the interweaving of the Maryland horses with the Virginia horses that is seen in the early pedigrees. Selima had a daughter, Black Selima, that became the grandam of Tayloe's famous gray horse, Bellair, best son of imp. Medley. Selima's other daughter, the famous race mare, Ebony, was the grandam of Tayloe's great gelding Nantoaka, by imp. (Hall's) Eclipse. Bellair beat the best horses of Virginia and Maryland; but when out of condition, was beaten twice. Sir William, Mucklejohn, Henry, Betsy Ransom, Trifle and other of the best early horses were descended from Bellair, whose blood was held in the highest esteem. Nantoaka won ten races,—distancing the field, four mile heats, at Annapolis. Col. Tayloe was then at the head of the turf in Virginia and Maryland.

In 1799 (probably) Gabriel, imported by Colonel Tayloe, stood one season at Belair, Prince George's County. He died the next year. It is said that he was kept by an English groom, who was not familiar with the Christian names of his patrons, but there still exists a list of those who sent mares to him in this year. Those names were the names of Marylanders of to-day.

In the "Sporting Magazine" we find the following letter:

"I believe, Mr. Editor, that Gabriel, who died in a year or two after he was imported, was equal to any imported horse we ever had. When he stood in Mary-

land one year only, but very few bred mares were put to him, yet in that season he got three first-rate racers—Postboy, Oscar and Harlequin.”

In 1804 Postboy came into great repute and was a great performer, and for several years beat the best horses at all distances. Ogle’s Oscar was a good race horse and we find him throughout the pedigrees of later generations. He should certainly be regarded as a foundation horse, of high degree.

Again the well-known and respected Lee Boo. “This distinguished horse was bred, raised, owned and run by Mr. Osborn Sprigg of the Forest of Prince George’s County, Maryland. He was by Cragg’s Highflyer out of a little mare, of pure blood, belonging to Captain James Belt.”

“This was the so-called golden age of the Washington City Jockey Club (1801-6), composed of Gov’s. Ogle, Bowie, Wright, Lloyd, and Ridgely, of Maryland, and other of the most respectable gentlemen of that vicinity, and abroad—being at that time the central arena for the north and the south.” And so the years rolled on. But we find the blood constantly cropping out throughout the next fifty years. Virginia, however, from this time on imported more new blood than any State.

Among those not already noted was Shark, imported into Virginia in 1786 by Benjamin Hyde. In England it was said he was “the most capital horse of his time, beating all his contemporaries at every distance, clearly demonstrating his superiority, whether they run for speed or run for bottom.” He won in England between 1774 and 1777 upwards of 20,000 gs. He died near Alexandria.

Hon. Judge Duvall (an associate of C. J. Marshall on the Supreme bench) stated that “Shark was beaten by Dorimont, the sire of Gabriel and grandsire of Oscar and Postboy in 1776; in 1777 they had another trial, with the same result; in 1778, when they carried nearly equal weights, Shark beat him. He was one year older than Dorimont.” Shark was to be the sire of the dam of Lady Lightfoot.

Florizel in 1794 was imported into Maryland by Messrs. Ringgold; Chateau Margaux and Claret in 1834, Priam in 1837, Rowton in 1835, Zinganee in 1836, all to Virginia, and the surpassing Glencoe to Alabama in 1836. Priam had won the Derby, Goodwood Cup, etc., and was at the head of all horses on the turf according to public running. He won £8,820 and two cups. Sam Chifney, the great English jockey of those days, said that Rowton, Zinganee and Priam were the three best horses he ever rode. Zinganee, bred by Lord Exeter in 1825, by Tramp, had won the Craven Stakes and the gold cup at Ascot, beating the great horses The Colonel, Mameluke, etc. It was said "a great field and he beat them easily in the best of style."

So you can readily understand that Virginia was destined to make great strides;—yet these horses were not to be, and could not be, successful without the get of the early stock of Maryland.

In 1812 an event of importance had taken place for Maryland in the foaling in Prince George's County, again at the Ogle seat, of Lady Lightfoot, far famed, and undeniably great. The record is as follows:

"Bred by Colonel John Tayloe and foaled at Mr. Ogle's seat, Prince George's County, in June, 1812, a dark brown mare, 15 hands 3 inches high, 6 feet in girth. She became Lady Lightfoot and was by Sir Archy, her dam Black Maria by Shark. She was purchased by Mr. Hall in 1824 for \$1,500. with a bay filly at her foot, and was positively the most distinct racer of her day, having won between twenty and thirty races, the majority, four-mile heats, and being beaten but once, in her eleventh year, and then by American Eclipse on the Union Course in Long Island."

Lady Lightfoot was taken from Belair to Oaken Brow on the Rappahannock, Virginia. The story goes that she ran into a cornfield, and Mr. Greenlaw, the Superintendent, remonstrated for the damage. The owner said "let her alone, she is

worth your whole cornfield" that might be estimated at \$3,000. She was allowed to run occasionally upon the wheat field, which that excellent farmer, Mr. Greenlaw, also thought "a strange fantasy." This is a point to be emphasized: one good foal is worth an entire crop, and one bruised knee may mean \$5,000. in these days.

So again in 1820 we find another horse, Lady Lightfoot, foaled in Maryland, at the very top of the tree. In the stud she produced the great Black Maria, a mare described as "of surpassing speed and wonderful power and endurance, and the winner on the turf of the huge sum in those days of \$18,500." She was by American Eclipse, out of Lady Lightfoot, the two horses which had had the severe encounter on the Union Course.

Of course no story of the early days would be complete without at least a reference to the great match between Henry and Eclipse in 1823, but mere passing reference to it is made, and for the reason that neither horse would have lived had it not been for the early Maryland importations. Bellair was the maternal great-grandsire of Henry, and American Eclipse traced to Selima.

Much could be written of the great matches and great horses, but I will refer in detail to but two more—Black Maria, daughter of Lady Lightfoot, and Argyle. In the publications of 1835 we read: "Let not the gentlemen of this State (Maryland) forget her ancient ascendancy . . . that Prince George's County then 'the racehorse region' not only gave birth to the above mentioned (Lee Boo, Post Boy, Oscar, etc.), but to the almost unrivaled Selim, and in these latter days to the famed Lady Lightfoot, to whom the North is indebted for the victories she won with her produce, Shark and Black Maria; and more recently to the famed Argyle that acquired such renown the last winter in Georgia, as to give him the very first rank on her turf, if not in the Carolinas. The three were foaled within three miles of each other: the two former at Belair, the seat of Benjamin Ogle, the latter at Marietta, the seat of

Judge Duvall." Argyle was a horse of great speed by Monsieur Tonson, out of Thistle, she by Oscar. Thistle was bred by Thomas Duckett of Maryland. Argyle won eleven out of eighteen races.

Black Maria was certainly the leading race mare of her time. She won from North to South at all points, and enough cannot be said of her prowess.

The blood of the older horses had been steadily refreshed, and later on when Kentucky came upon the scene, the offspring of these early Maryland and Virginia horses found their way to Kentucky and other States.

While racing was universally recognized as a sport, both in Maryland and Virginia, it is possible, and probable, that one year the sport might be better in one State than in the other, and Mr. Ogle's horses when sent down to Virginia had in the old days won so many races that a regulation was passed forbidding the entrance in certain races of horses not foaled in Virginia. The consequence was that Mr. Ogle sent some of his mares to Virginia to foal there, in order that the progeny might be eligible.

This is an interesting sidelight, but it shows us how keen the competition was; how much of it was devoted to the breeding industry, and what exceedingly important blood lines were maintained in Maryland in those early days.

The value of the foundation stock which Maryland provided should constantly be emphasized. We often find notations which refer to the Maryland blood. For instance, to give but a few illustrations, in 1820 Bellissima, owned by B. B. Smock of Monmouth, New Jersey, and tracing to Selima, was sent back to Maryland—"returned to Ogle's Oscar." At Florence, Alabama, about 1833, we find the three-year-old chestnut filly, Miss Ogle, winning; also the great Henry, who was the Southern representative in the match race at Union Course, Long Island, against American Eclipse, traced directly to Maryland. Winning at Oglethorpe, Georgia, we find the chestnut filly Tube Rose, dam by Bellair. Mr. Ridgely's Oscar was sent to Ohio, and Mucklejohn to Lexington to make a great success.

Again we find in Kentucky the very great Ophelia, descended from Maryland stock, and her son Grey Eagle, matched against the great Wagner in 1835. Wagner was by Sir Charles, out of Maria West, and was bought by Mr. John Campbell of Baltimore as a three-year-old for \$5,000. He won \$36,000 and fourteen out of twenty races, beating Grey Eagle.

Again in 1833 we find notice of Reform going to North Carolina as a stallion. He was "well known in Maryland" and was sold by William Tolson of Prince George's County to the Hon. Samuel P. Carson of North Carolina. He was got by Marylander, dam by Richmond, grandam by Ogle's Oscar.

Again in the stud of John A. Scott of Woodville, Miss., in 1834 we find a bay mare by Sir Archy, grandam Lady Bolingbroke—Maryland blood—and so it goes. Tychicus was put into training by Dr. Duvall of Prince George's County, and he became famous.

But we cannot leave the story of the old horses behind us without mentioning the mare Ariel, who "certainly ranked with the best race horses of any age or clime." It was said "we doubt whether any horse of any region ever did more good running, attended with such extensive and constant travel." Her pedigree traced directly from Partner, Othello, Medley, etc. She was bred in 1822 by Mr. Gerrit Vandever of Flatbush, Long Island, by American Eclipse, dam by Financier. Financier, a famous horse, was owned and probably bred by Isaac Duckett, Esq., of Maryland, the land of his maternal ancestry. This great mare Ariel was filled with Maryland blood.

It is a most extraordinary thing how the staying qualities of certain blood lines come out time after time, and long-distance races, for the sake of the thoroughbred blood, should steadily be encouraged. The public enjoys them—and they develop the breed. One of the old colored servants on our farm, who used to be a jockey in the late seventies for Governor Bowie, is a strong advocate of long-distance races; and when I asked him why it was, he answered: "Why, it develops

the horse. It takes horses with bottom that can stand the pace. These short races are nothing. It's ting-a-ling, they're off! Who wins? That's all."

In the old days the feats of the horses we are talking of were extraordinary when measured by the modern standards. No wonder their names and blood have endured. For instance, Lady Lightfoot ran publicly 191 miles and won 159 miles. Ariel ran 345 miles and won 42 races out of 57; from New York to Georgia lost and won about \$50,000. Before his match with Postboy on Long Island, John Bascomb had been trained in Georgia for a match with Argyle, on April 12, "he immediately started for the north over a country well calculated for walking and even galloping exercise." "He had had a long and hard training and required the very relaxation that his journey afforded him, to recruit." He arrived on Long Island three weeks prior to May 31 (May 10). It had been a severe winter on Long Island. Bascomb won. A walk from Georgia to Long Island was "relaxation." This quality was called bottom.

So much, then, for the old Maryland horses. Let us take up for a moment to a few thoughts on breeding.

In thoroughbred breeding the family lines are as clearly defined as in human life, and reference is always made to the female lines, which are called the tap root. This has gone so far in England that a distinguished writer by the name of Bruce Lowe divided the tap roots into some forty or more, and all British thoroughbreds can trace to one of these original mares. Only seven of these were Eastern or imported horses (seven Barbs and no Arabs). The rest were native, and, in the male line, as has been told, the desert blood asserted itself only through three individuals. The writers of modern times often become exceedingly theoretical and discourse at length on the value of certain of these families as against the value of others, from the point of view of speed, endurance, sound-

ness, hereditary health, disposition, conformation and many other points of view; and it is this very spirit and love of analysis that forces one often to hark back in America to the old Maryland families.

The two important questions in thoroughbred breeding are: first, the mingling of blood lines, or how shall the animal be bred; second, local conditions, or where shall the animal be raised, and why. There are many theories on the interrelationship of blood lines. Experts express their opinions freely, —different theories in somewhat the same way; the same theories in different ways. There are those who say that there should be a balanced infusion of the blood of the three great horses—Eclipse, Matchem and Herod. There is no doubt but that such breeding has brought success in many instances, and, can be regarded as a strong and normal form of outcrossing. There is every reason to find particular grounds for support of this theory. For instance, the English horses had become very strong in Eclipse blood. A moderate handicap horse by the name of Roi Herode ran in England in 1902. He was a horse of beautiful conformation, splendid French Herod blood, of great endurance, but of no great speed. When bred to a fast mare, filled to the brim with Eclipse blood, he produced the sensational speed marvel of England, The Tetrarch. Again, American mares, also well filled with Herod blood, when sent to France and England and mated with their stallions, have of late years produced two Derby winners, and had many other very great successes. Speaking generally, England is filled with Eclipse blood; France has ample Herod blood; there is an important amount of Matchem in each, and America has been alive with Herod blood with sufficient Eclipse. And now, through Hastings, Fair Play, Man o' War, Omar Khayyam and others, there is an ample abundance of Matchem.

A second theory of breeding is expressed by the sentence, "Return to the stallion the best blood of his dam." This, as you can see, places in the centre of the pedigree the same line

of blood, and an excellent illustration is the very good filly Careful, who has been winning at Pimlico this season, for the dam of her sire is by Isinglass, and the sire of her dam is Star Shoot by Isinglass. Another way of expressing it is that it doubles the Isinglass in the right relationship. It sounds complicated, but the reason is very clear if one thinks a bit. One must assume that the top line of stallions are all good horses, but of all the get of any given one, the son represented is the breeder's pick; and it was the blood of his particular dam that made him better than his many brothers of one-half relationship. This argument applies in finality to the stallion to be used: What made him better than his brothers (the blood of his dam). Then give him some more in the dam of the proposed colt. It is a case of intensification.

A third method, which is not seen so often in horse pedigrees, is an idea which has been followed very successfully in cattle breeding. It is the return of the strong sire blood, but in a different relationship from the above method. It is superimposing the strongest blood in the sire line of the female. For instance, if one has a mare by Broomstick, who was by Ben Brush, breed the mare to another son or grandson of Ben Brush, thereby superimposing the strong Ben Brush blood. The idea in both cases seems to be based on the thought that one cannot get enough of a good thing, but of course the risk is run of too close inbreeding.

Inbreeding is a method that has often been tried and with interesting results; for instance, the horse *Ultimus*, a son of *Commando*, who in turn was a son of *Domino*. *Ultimus'* dam was also by *Domino*. He produced phenomenal speed. All his get could run, but it could not be said they were generally healthy or generally sound. So he failed to attain the highest mark. Look out, however, for the daughters of *Ultimus* as brood mares. They will be heard from. The dangers of close inbreeding are greater than its benefits.

Then there is the theory of breeding which follows success and fashion, and consequently after a while might tend toward

inbreeding of the whole race. For instance, the great Man o' War is by Fair Play, out of Rock Sand mare. It may have been a fortuitous combination or not, but Mad Hatter is bred the same way, and so is Sporting Blood, all big winners and good campaigners; and so the Rock Sand mares are eagerly sought after, and will many times be bred to Fair Play horses, or those horses closely related to him.

Again, there is the haphazard breeder, who knows what he is doing, but does not expect as much as he gets. He sends a fair good mare to a fair good horse and obtains perhaps an exceptional colt. Then the experts come along and show why such a careful mating (?) could not fail. The truth is that there is a very narrow margin between success and failure, and in the above instance all the elements happened to spell success and perhaps particularly, health.

In England in modern times there are a number of lines any four of which, if found in the third generation, have meant success time after time. When found, why delve into theory? The lines of St. Simon, Bend Or, Hampton, Amphion and Barcaldine make names to conjure with.

To these are added the Australian lines—the Trenton and Carbine blood—and now of late years the Roi Herode blood of France. These are the lines one must look to, and the true receipt is to breed the best to the best, and constantly be on the lookout for newly refreshed lines which may be successful, and to study the individual qualities, as well as the demerits, of an animal, being careful from a physical point of view of a given individual; for while one should always consider blood—and nothing can be done without blood—it is equally clear that conformation is of vital importance, as one cannot expect to have true conformation produced unless it be true conformation that produces it. They said in the old days "Blood is Blood, but form is superiority." Form is born, and is maintained by health. The elements of success are faultless blood lines, male and female; faultless conformation, if possible, and then health, not only health at a given moment on the

day of a race, or for the four or five months before a race, but health from the date of foaling. Health includes soundness of digestion and soundness of the nervous system, as well as soundness of bone. It is the horse which never goes wrong from the start to finish that makes the successful campaigner. When one realizes that there is but a fifth of a second between a stake horse and a selling plater, that on the same day a selling race may be run in faster time than a stake race, it shows how keen the battle is,—and, at the moment of that battle, whether it be in the first furlong or in the last furlong, a horse needs everything imaginable, blood, conformation and the greatest health possible.

Now, this is where, to my mind, Maryland has an advantage; it has a soft and friendly climate; it has rolling hills; it has pure water and a sweet soil and while in some counties there may be a lack of limestone, there is a friendliness to the climate and a health giving quality which means that beings live well, and live long. The winters are not long, they are not severe; they are cold and invigorating, but the air is soft. The nervous structure of an animal is not worn out. While some might say that there is a lack of bone making qualities, such is not the case if the young stock is properly fed and cared for; and in our personal experience so far, Maryland has turned out horses which have been sound and have remained sound—they are not overbony—and it is these advantages which have meant success from the earliest days of the breeding industry.

One hundred and seventy years after Selima was imported to Maryland, a chestnut filly was foaled, on the same farm to which she came. The filly traced back to a mare by Bellair. This filly was raised on Maryland grass, drinking Maryland water, and breathing the soft Maryland air until she went to the training barn. She journeyed this year to Kentucky and won its premier filly stake, the Kentucky Oaks, and not only did that, but won it in a new track record for Churchill Downs, a mile and 1/8—1:50 2/5. That was Nancy Lee. Who, then,

can say that the best cannot be raised in Maryland today, as they were one hundred and seventy years ago.

In breeding, while one wishes to establish families and maintain and improve a line of matrons, one should, however, always keep in mind the oncoming successful lines. For instance, there was an interesting filly sold in England in the October sales. She was by Santair, out of a mare by War Grave, and she out of a mare by Trenton. Santair has done nothing; War Grave has done nothing; Trenton was a great stayer. But this filly combines the lines of three great staying horses: Santoi through Santair; Carbine through War Grave and Trenton. And this is such an interesting situation from a breeder's point of view that I could not resist making a bid on the filly in order to bring her here and breed her to our high speed horses.

Another interesting filly was sold at Saratoga this year, she combines all the best blood of Mr. W. K. Vanderbilt's French Stud. She is by his stallion Sea Sick out of Brumelli, she by Maintenon out of a mare by Prestige. Those three stallions were Mr. Vanderbilt's three great horses, and Brumelli was about the most successful mare he ever owned. The consequence is that this filly (called Brumellini) combines the concentrated blood of his entire stud—the result of the thought which he has devoted to the breeding of thoroughbred horses which has proven so successful for him. She may be good, she may be bad; but it's a very interesting thing to the breeder.

Now the leading stallions in England to-day are Sunstar, Polymelus, and the Tetrarch. Here the dead Star Shoot was the premier stallion for a long time. The dead Celt now heads the list for Mr. Hancock; Mr. Whitney's Broomstick stands at the very top, and Mr. Belmont's Fair Play, the sire of Man o' War, is in great demand; but there are many others, and our stock has been vastly improved during the past five or six years.

Things can be proved and disproved to the heart's content. Some say that old mares do not produce as well as young mares. Some say they do not want the first foal of a mare, but to show that one must not be too theoretical, and that success depends

upon other things than mere statistics, I might say that Gay Crusader, the best horse England has had for years, was a first foal. Bonnie Mary, one of the fastest fillies that has been in this country for years, was the daughter of Belgravia. She was the daughter of Bonnie Gal, she the daughter of Bonnie Doon, and she the daughter of the great Queen Mary. Queen Mary was foaled in 1843; Bonnie Mary was foaled in 1917, which leaves 74 years for four mares, an average—remember, an average of eighteen years per mare. So who can say that old mares are not good producers, or that first foals are not of value.

Another statement often heard is that mares which have raced hard do not produce well. There seems to be good reason for this: their vitality has been used up. It may be that their nervous system is wrecked, and there may be many other good reasons. Take a mare like Sceptre, a very great English mare. Her progeny was no more than normal, but the offspring of her daughters are abnormal, and in Buchan and Craig-An-Eran, her grandsons, we have the two best horses of their respective years in England. Per contra, the case of the famous mare Beeswing is remarkable. Back in the 1840's she won the Newcastle Cup in six different years. She won the Doncaster Cup in four different years—three of them in succession—and she won the Ascot Cup at two miles. One would have thought that that was enough for a mare to do, but on going into the stud she produced Newminster, a great horse and one of the greatest sires. He was the founder of the Hampton line of horses, now in the ascendancy in England through Bayardo, Gay Crusader and Gainsborough, and in this country soon to be through Wrack, Ambassador and Brown Prince; and this is all in a large part due to Beeswing. She was a stayer of great merit, and so was Hampton, and so are the Hampton horses. On the other hand, take the well-known mare Blue Bonnet, who won the St. Leger in 1842, a great racing mare and one of the idols of England at the time. She had about a dozen foals, all by the best horses, such as Flying

Dutchman, Van Tromp and others; and not one of their names remains in the memory. This seems to be inexplicable, but I happen to have at home the portraits of these two great mares, by Herring, hanging side by side, and I believe a possible answer lies in the fact—if the pictures are correct—that Beeswing was a model of perfection in conformation. This may have aided her own nervous system or her powers of transmission, but at all events she must have given to her progeny a perfect skeleton. Blue Bonnet, on the other hand, was a long, lanky mare with great merit in certain respects, but not a perfect animal by any stretch of the imagination. Could she, therefore, impart to her foals so perfect a skeleton as Beeswing could? This is speculation, of course, but I think it is interesting; for it merely emphasizes the fact that the great horse needs everything—blood, soundness and conformation—and the final result is the combination which is necessary to beat the fifth of a second and which makes him a great horse. The great authority, Count Lehndorff, used to say that the brood mare of value was the mare of perfect type and of excellent performance—not necessarily the one who wins races, but the one who challenges the winner and finishes in the money constantly, and steadily shows her ability to race, her desire to race, and her gameness in the struggle when called upon.

It should be remembered that all stallions are selected by public approval and by the weeding out process, but unfortunately all mares are not so selected. A good many—too many—are bred, such mares being wholly improper for the purpose. Therefore comes the belief, which I have adopted as a motto at Belair, that “On the quality of the matrons depends the success of a stud,” for it is the owner of the stud who must select his matrons, and it is useless to select anything but the best. They should be mares coming from great mares and with as many other great mares in their pedigree as possible. The importance of great mares in the pedigree of a matron cannot be exaggerated. The best only can beget the

best. It is the foundation upon which all rests. The names to be remembered are perhaps the following:

GREAT PRODUCING MARES OF ENGLAND

Pocahontas	Feronia	Agnes	Memoir
Queen Mary	Atalanta	Violet	La Flèche
Beeswing	Concussion	Vertumna	Sanda
Blink Bonny	Quiver	Paraffin	Maid Marian
Sceptre, etc., etc.			

OF AMERICA

Alice Carneal	Modesty	Maria West	Mannie Grey
Ballet	Lady Reel	Aerolite	Maggie B B
Bourbon Belle	Jaconet	Red and Blue	Fairy Gold, etc.

These are of course not all, but time and again in great horses you will see these names reappearing. The affection one gets for a great producing mare of the days gone by is real and enduring.

And so I come to a close. I have tried to show the merits of the early Maryland horses, in a form that would appeal to the student of history. I have tried to show that Maryland can raise such horses today, and I have tried to indicate the benefits this would bring to the State. Let me leave a parting word with you. Do everything you can to protect the thoroughbred. Be advocates of sport, true and clean, good for those who participate, for those who look on, and for those who read about it; for in this way the cause of the best of animals is promoted and is protected. Cherish the thoroughbred and love him for his many-sided and stalwart character. It is worthy of your affections.

LIONEL COPLEY, FIRST ROYAL GOVERNOR OF MARYLAND

ANNIE LEAKIN SIOUSSAT,
Historian, Colonial Dames of America

The first Royal Governor of Maryland would seem to have met with but scant appreciation in the annals of the Colony to which he was sent in answer to the petitions and addresses from the "Associators" after the Protestant Revolution in Maryland—a miniature reproduction of the conflict which had shaken the Government of England to its centre.

Perhaps no ruler had ever been more heavily handicapped from the start. Governor Copley knew that he would not find a united Colony, but one rent and torn by bitter dissensions with an experience of siege and warfare between the rival factions only preserved from bloodshed by the vastly superior numbers of "The Association in Arms for the Defense of the Protestant Religion and for asserting the right of King William and Queen Mary to the (government of) the Province of Maryland" over the party under the Deputy Governors and their successors left in charge of affairs when my Lord Baltimore went back to England.

The dislocation in the order of things was far more violent than could have been foreseen in the passing from the Proprietary rule conferred on a "well beloved and trusty" subject by the King with all its generous provisions, to the state of chaos in the Colony under the rule of a King, himself a comparative stranger to the English people.

The State House on the bluff where the first colonists had finally landed, had been fortified, but the hundred men representing the Proprietary could not hold out against the seven hundred, marshalled in the popular forces of the day. When therefore the Council had been driven back to the "inforted" official residence of Lord Baltimore on the Patuxent, the sum-

mons for surrender sent in to Mattapany by a trumpeter from "our camp before the Garrison" by the enemy, was the death knell of the unique Proprietary and early provincial life of Maryland. In fact, the incoming officials suffered not a little from the elements composing the new regime. Captain John Coode, for instance, was not a heroic figure from any standpoint, but at best a renegade and a master trouble-maker, nor was the illusory combination between Roman Catholics and Indians, who were marching down 10,000 strong to "cut off the inhabitants," a good start from a strictly historical point of view, while the failure to proclaim their Gracious Majesties more promptly (although no one could have foreseen the death of the messenger on his way from England) did not endear our Colony to their Majesties or to the officials whom they sent out.

The climatic conditions were at their deadliest and many new arrivals did not long survive their "seasoning,"¹ and so the man whom the King delighted to honor found a vastly different state of things from his exalted positions in the Mother Country. His heaviest blow, however, came in the death of his wife so soon after their arrival, his own "long sickness" followed, and his tenure of office was of short duration. He lived but a little while, not long enough to find his own footing or to adjust himself and his personal affairs in any direction. Introduced to us in the annals of the day as Lionel Copley, Governor of Hull and of Maryland in America, it seems worth while to trace his career previous to his appearance in these parts.

Born in 1648² he was matriculated at Brasenose College, Oxford, 14 July, 1665, aetat 17 (Foster), and in 1675 married to Anne daughter of Sir Philip Boteler of Walton, Woodhull, Herts. He did not possess the title which came to his elder son Lionel from his grandfather,³ Sir Geoffrey Copley of

¹ *I. e.*, their acclimatization.—"The ships beg leave to sail, the time of the year approaching very fatal to their seamen running the danger of the country's seasoning." *Ass. Pro.*, 1584-93, p. 352.

² Vide *Genealogist*, vol. 16, p. 114.

³ Created baronet by Charles II, April 9th; *ibid.*, 1666.

Sprottsborough, although the Governor was sometimes so-called. The family were numerous and notable in divers and sundry of the shires of England.

The early adventures of our Lionel Copley of Wadworth as a civic and military officer are well defined in the History of Hull in which he bore a sturdy part throughout the foreshadowing and actual events of the Protestant Revolution in the Mother Country. His first official mention in connection with Hull belongs to the stirring times when "the King had come to his own again," and in no place was the Merry Monarch more loyally welcomed than in the flourishing port and town of Kingston upon Hull, renowned for its conservatism, independence, and an uncompromising adherence to the Protestant Religion.⁴

The Municipality of Hull went through many vicissitudes in the approach of the Protestant Revolution. As early as 1680 the Duke of Monmouth, the natural son of King Charles II, was made Governor of the Town and General in Chief of his Majesty's forces, and his life here seems to have given him the start on his ambitious road to ruin. His Royal Father's displeasure at his rebellious attitude soon deprived him of these honors. To him succeeded the Earl of Plymouth as Governor. He came down to Hull in great state with his retinue and was met at Barton by Captain Copley, deputy Governor, to conduct him over the River Humber. At the landing staith they were met by the corporation, which received him in due form and attended him to the house of Captain Copley where an elegant entertainment had been prepared for him.

The new Governor swept a vigorous broom to clear the vicinity of Conventicles, and finding one of the luckless Ministers (the other having been hidden) arrested, fined and imprisoned him for six months. "According to the iniquitous custom of

⁴The History of the Town and County of Kingston upon Hull From its foundation in the reign of Edward the First to the Present Time, by Rev. John Tickell. Dedicated to William Wilberforce, M. P., for the County of York. Friend of the degraded African. 1796.

the times," says the old chronicle, ordering that the laws against Dissenters, suspended for some years, should again be put in full execution.

The next attack on the liberties of Hull was the demand for the return of the Charters, and to obtain concessions to that end, Judge Jeffreys, that notoriously infamous personage, was sent down and in the scribe's words, "forgot nothing," which was thought capable of terrifying the corporation, and meeting with the usual success of his iniquitous procedure, the Charters were surrendered. But the day came when the death of Charles II and the arrival of the Duke of York as James II brought another turn to the wheel of fate. His promises were solemnly given by the new monarch to support the Church and State as established by law, but they were but fleeting. He soon threw off the mask. An ingenious declaration for liberty of conscience was passed and all restriction removed from Popery. His Parliament was dissolved on 2nd of March in the determination that only those should serve who would do his bidding.

The third Governor in this troublous time was Lord Langdale. He grew violent over the refusal of the municipality to "chuse only such as do approve the King's declaration of indulgence" and assured them from his Master that nothing would so much conduce to the settlement of "this distracted nation" as a toleration in religion. But the Magistrates of Hull only made answer as good Englishmen and true, "that elections, whenever his Majesty should command them, should be fair and free according to the Law of the Land."

For this brave utterance the town was harried and plundered by the 1200 soldiers sent down to live on free quarters. The people were robbed in the streets, the farmers pillaged in their market carts, the Mayor and Alderman threatened that their houses should be burned unless they would consent to "chuse such members as were friends to his Majesty's Declaration." The Burgesses were imprisoned in the Guard House and one lost his life through their cruelty, and the final blow

was struck when the King issued his writ of *quo warranto* against their Charter already surrendered and returned to them so many times. This brought them to impending ruin and so again they had to plead with the King "to restore those privileges of town and port on which trade and commerce do much depend." This was finally granted and again Judge Jeffreys came down to finish his work. But rumors were in the air, and the old chronicle records that in October "the infatuated monarch became sensible of his errors and the growing discontent of his people," so he repented him, although late in the day, and hastened to make proclamation by which the ancient rights and privileges might be restored throughout the kingdom.

When the fleet equipped by the Prince of Orange in Holland was known to have set sail for England, wild consternation prevailed, preparations were made for siege, and by the time that he had landed at Torbay with 15,000 men Lord Langdale had been sent down to secure Hull for King James. Roman Catholic refugees poured into the town and the Duke of Newcastle contrived to march his entire Regiment in for its greater security and to strengthen the popish soldiers at this important point. Encouraged by this accession of strength, says the Chronicle, a plot was laid to secure all the Protestant officers at the changing of the Rounds.

Lord Langdale accordingly gave out that the Lord Montgomery would that night take the rounds of Captain Copley, a Protestant. Incensed at this information, Captain Copley declared "If the Lord Montgomery should offer him any such indignity, he would lay him by the heels." The rest of the Protestant officers were sent for and it was agreed to call all the soldiers privately to arms and to secure the Governor and principal persons.

There was no time to be lost. In less than two hours the Market Hill was covered with armed men who were encouraged by being told that they were called on to defend the King and the Protestant Religion. So much prudence and secrecy had

been employed that Lord Langdale knew nothing of it until he was seized by a party of soldiers under Captain Carville and told that, as a Roman Catholic, by the Law of the Land he had no right to govern. Greatly amazed, he asked, "Is not the King's dispensing power to be admitted of?" To which the other answered, "No, by no means." Then said Lord Langdale, "I have no more to say at present," and surrendered himself a prisoner. This was also accomplished with the other Roman Catholic officers. The next morning being the 4th of December, Captain Copley, at the head of one hundred men, marched out to where the guards were stationed, who, ignorant of what had happened in the night, were thus secured and with them all the rest of the opposing forces.

The Town, Fort, and Citadel being thus rescued by the resolution and prudent conduct of Captain Copley and the Protestant officers, the prisoners were all set at liberty to dispose of themselves as they would. The anniversary of this day is still celebrated at Hull and is called by way of distinction "the Town taking Day." For this meritorious piece of service, quoth the scribe, Captain Copley was advanced to the rank of Colonel and made Lieutenant Governor of Hull. After the King had reached London he sent a letter expressing his approbation of the conduct of the Magistrates and officers, highly commending the prudence and secrecy by which they had prevented effusion of much blood. Evidently the King's Majesty bore Copley in mind, for in 1690, my Lord Baltimore had prepared the Commission necessary from him, and while the legal adjustments were tedious and the preparations for the long voyage to the new home were protracted, on August 9, 1691,⁵ he received orders to be ready by September 15th, when "passage will be provided for Col. Copley Governor of Maryland and Secretary Sir Thomas Lawrence, with their Families, household goods, servants, and the usual victuals necessary on their passage on board the Convoys." Another similar order

⁵ Council Proceedings, p. 271, vol. 8.

is given October 8, 1691, under signature of the Queen's most excellent Majesty in Council. Meanwhile Mr. James Frisby was moved to go from Maryland to England and there he heard that "one Copley should come in as Governor" and assures Casparus Harman that the new functionary would meet with many obstructions. That he arrived after much tribulation is set forth in his letter to the Lord President of the Board, June 2, 1692, when he excuses himself in that he could not pay his duty to him before he left England. But, he writes, when he came to Deal, the Fleet was sailed, and he had to go to Portsmouth where he met with the Alborough Ketch, in which he had a very ill passage to Virginia. In this same letter of June 2, 1692, he hopes when his proceedings have been laid before his Majesty's Commission their Lordships will see that he has not been wanting in their Majesty's service. He understands by Mr. Coode (the gentleman whom Dr. Wm. Hand Browne was wont to describe as "that unsavory bird") that a commission has been sent out to supersede him, at which he is much troubled till he knows the truth. It will be seen that the trouble maker lost no time. On May 10, 1692,⁶ he had made his first address to the Assembly called together to meet him. Having read his commission to them, he then declared himself in words following:

"When the King, upon your address to him to have a Protestant government, had signified his gracious intention of sending me amongst you, I presume you are sensible of the restless endeavour of some persons to obstruct it. The difficulties and hazards I ran did not at all daunt me from hastening to you, proposing chiefly to myself of seeing a foundation laid for a lasting peace and happiness to you and to your posterities. The making of wholesome laws and laying aside all heats and animosities among you will go far toward it."

On the next day, May 11, 1692, he has to address them by proxy: "Gentlemen, Being myself at present under some in-

⁶ He had already met the Council on April 6, 1692.

disposition, so that I can not be personally present with you, I have thought fit to appoint Col. Blakiston to preside." It is probable that much of the work had to be done by proxy, and his working staff, so to speak, consisted of Sir Thomas Lawrence, Bart., K. B., chancellor and secretary; Nehemiah Blakiston, president of the Upper House; Kenelm Chiseldyne, speaker of the Lower House. Notwithstanding these drawbacks, articles of peace and amity were drawn up and accepted by the Indian Werowances. The acts for the establishment of religion with the further establishment of the Church of England by law, the division of the colony into parishes, one of the most valuable aids to law and order, since it brought to notice many congregations who had been meeting since the laymen kept up the services in the chapel at St. Mary's from which Mr. Gerard took their prayer books and had to bring them back again in 1642; the regulation of incomes, registration on vestry books, duties of vestrymen—all these belong to his reign. From the time of his arrival in the province to his final departure on September 27, 1693,⁷ his days were filled with responsibilities and duties which might have daunted a well man, and to one who lacked his usual health must have been heavy burdens. When his strictly official days were over there was always the accounting for the personal estate brought into the colony and of which we have had the inventories.⁸ One wonders how far these articles served him—many of them far better suited to the polite world, the military life, or the gentlemen sportsmen who rode our English fields or paraded on London pavements. Did he ever have the chance to appear upon his prancing white steed called "Draggon" with the crimson colored plush saddle, its housing of green velvet and deep silver fringe, and buckles? Did he use the silver spoons, knives, and forks at functions in the Great House? Did the gentry sit above the "large silver salts" and the lesser ones

⁷ Two dates are given for the death of Sir Copley—7th of Sept., and 27th of Sept.

⁸ Found, and kindly placed at our disposal by Margaret Roberts Hodges.

below them at table? What did he mean to do with fifty-five pieces of Arabian gold, worth £23.17.00? What did the seal-skin trunk contain, and was the gilded wood for the bedstead ever put up? Was his own printing press ever used (although he was cautioned as to how he employed it)? These and many other questions must remain unanswered, but at this long distance we are grateful for his faithful work for us and our "Posterities."

However all this may be, our first Royal Governor filled the forecast made by him in his first address. His reign was a peaceful one so far as he could reckon with the material at hand, and let us hope that he derived much comfort from the testimony of the Council sent to the Powers that then were—in the letter setting forth "Our Present Governor Lionel Copley who, we are thoroughly sensible hath demeaned himself with that apparent (used in the sense of patent) Loyalty, Good Conduct, Prudence, and Integrity to the honour of their Majesties and the generall satisfaction of the whole Council, that we are bound to pray his Continuance among us." A good and sufficient answer for the innuendoes made by Captain John Cooode to the authorities at home.

There is little more that we can gather before he is spoken of as "the late Governor," dying on September 27, 1693, not quite two years from the time of his arrival, counting the year as beginning with Lady Day, March 25.

His will, written in faith and trust, as the use went, gives us chiefly the information we want of his family. "I give and bequeath to my son Lyonel Copley two equal parts of all my Personal Estate . . . the other third to be equally divided between my son John Copley and my daughter Ann Copley." Thomas Tench, Esq., wrote the instrument which Mr. Llewellyn informs the deponent "was according to the deceased's order and he intended to sign and declare it to be his last will and testament, but it pleased God to take him to Himself before he could accomplish the same. . . ." Governor Andros inquiring how Governor Copley had disposed of his estate,

upon which the eldest son and heir of the deceased showed his Excellency his father's intended estate, upon which his Excellency ordered the said eldest son and heir of the deceased, that it was his right to choose whom he pleased to administer on his father's estate on his and the other children's behalf. . . ."

The children were sent back to England, having been in care of the Government here during their stay.⁹ Through these long years we sympathize with such an unusual combination of events by which to their grief in the loss of both parents in this new world in which they were comparatively among strangers, was added the delay in the burial of the bodies of Governor Copley and his Lady.

On July 27, 1694, was given "An order for Interring the bodies of the late Governor Copley and his lady. It being represented to his Excellency that the bodies of the late Governor Copley and his lady deceased, lye still uninterred at the Great House, and considering it was expected some order should have been received ere this for carrying the same by some man of war or other vessel for England, but there appearing as yet no such order, and fearing that longer delay of interring the same may prove obnoxious to the parts hereabouts. Therefore ordered that immediate care be taken for preparing a vault to lay the said bodies in and that the ceremony of interring the same be performed at the next Provincial Court with all the decency and grandeur the constitution and circumstances will admit of, and that three Brass Guns (being all thats to be had) in readiness and the Militia of the adjacent parts. July 27, 1694."

But the long hot summer passed away without any change in their strange resting place, although some process of embalming had been used, and on the 27th of September comes

⁹ Acct.—"To Sundry disbursements for the occupation and use of the orphan children and particulars taken out of the Estate after the acct. for their supply in their voyage for England as per particular acct.—£57.10.00."

"An order for interring the Governor and his late Lady. Taken into consideration the appointing for a day for interring the Bodies of the late Governor Copley and his Lady, whereupon it was ordered that the said Solemnity should be performed on the 5th day of October next, and that notice be given to Major Campbell, Captain Waughop, and Captain Colmaugh to be present with their Troops and Company and that all things to be put in readiness against that time, pursuant to former orders."¹⁰

Up to the present time the most laborious search has failed to unearth any account of the actual ceremonies of this occasion. That the vault was made and very well made we have indisputable proof. The detailed account is given.¹¹ We also know that today the dust lies there in the leaden coffins where they were deposited two hundred and twenty-eight years ago, for we have seen them, and so we link up the present with the long-ago past.

The Maryland Society of the Colonial Dames of America, in keeping with the Constitution of the National Society, have for their final aim the preservation of the memories of those who through peril and toil indescribable, came out into the wilderness of these colonies, whose valor and achievements are beyond all praise. Our Society therefore has assisted in many such memorials both in our own State and beyond it, and under our present leadership have gladly undertaken the restoration of the last resting place of Lionel Copley, first Royal Governor of Maryland, and Anne his wife. This has been the more desirable since there has been some dubiety as to the tenants of this vault, the only one here ever built. In the in-

¹⁰ Council Proceedings, H. D. 2, pp. 43, 65.

	Tobacco
¹¹ Richard Benton for building ye Vault &c	4850 lbs
Assistance, Bricks for same	1100 "
Marks Burrowes, a gill of Rum 10s & paid for Nails	
for the Coffin & repairing ye Governors House	2000 lbs
William Haines for Iron work for Gov. Copleys Coffin	600 lbs

accessible condition of the Public Records in days gone by and the nearly total loss of the parish books, it was supposed certainly that it belonged to the Calverts and contained the body of Leonard Calvert, first Governor of the colony, 1634, with his wife Anne, the initials being the same.¹²

To those who know of Leonard Calvert's steadfast devotion not only to the Roman Catholic faith but his protection of the Jesuits even after his august brother had forbidden them the colony by reason of the controversy concerning the Manor lands given them by the Indians, it would be plain that he would never have been buried in other than consecrated ground, and dying as he did in the troublous times he was probably tenderly cared for by his own and and possibly placed in the stronghold of the Fort at St. Inigoes.

On May 1st the vault was uncovered and opened in the presence of the Rector, a representative from the Vestry who hold title to the property, and accorded every facility possible to the Committee of the Colonial Dames, Miss Williams, President; Mrs. Rieman, Vice-President, and Mrs. Sioussat, Historian. They had also brought with them Mr. Matthew Gault whose experience in such matters was very necessary, and were very much interested to find the fair condition of the brickwork and that anything had been left of the interior after all these long years.

The first entry upon their quiet resting place was made about August, 1799, of which a brief account is herewith given,¹³

¹² The proofs of identity later established bear strong testimony to the value of the printed Archives in our valuable series, and today we owe much to the present successor to these Colonial dignitaries, Governor Albert Ritchie, who so materially by his influence added to the appropriation made by the State for further publication of these fast vanishing treasures.

¹³ A very detailed account of this first entry may be found in *Chronicles of Colonial Maryland*, Appendix, p. 379, James Walter Thomas. This abstract is here given as fitting in with this general relation:

"On examining the smaller Coffin the winding sheet was perfect, as was every other garment. When the face of the corpse was uncovered it was ghastly indeed. It was the woman. Her figure was perfect but black as

and the letter sent us by the Rector of his special investigation, in which we get the last glimpse, we hope, of the mortal remains of those, our English forefathers, so far away from their own home, but whom we hope to honor for time to come, to our "Posterities."

LETTER OF REV. C. W. WHITMORE, RECTOR.

"ST. MARY'S PARISH,
St. Mary's City,
Maryland.

"May 6, 1922.

"My dear Miss Williams:

"After you left us on Monday I succeeded in making an entrance to the Copley vault by means of a rope. Unfortunately there was nothing of any historical value or interest to be seen.

"The vault is built arched, of colonial brick, evidently of local make, finished smooth inside except where an opening in the west end has been bricked up from the outside, leaving a

the blackest negro. Her hair was platted & trimmed on the top of her head—her dress a white muslin gown short sleeves & high gloves—much destroyed. Stockings much darned—her cap had long ears & pinned under the chin—the lady was filled with spices & gums, hence the color. She was a small woman & appeared delicate. The winding sheet marked with three small cross figures and on the lid were letters A L possibly standing for Anne Lionel. We have not the smallest account who they were. We replaced them as before."

It seems possible that there may have been a second entry later. When, as a child, the subscriber visited St. Mary's with her father, the story of the prank played in acceptance of a wager by a group of young bloods at Rose Croft across the river. They came with lanterns and probably opened the same place in the vault. Their amazement at finding such weird figures as the embalmed corpses soon sobered them up and without any attempt to fill up the space dug out, they fled. Certainly the account of the disturbance of the skeletons, the haste with which the bones were thrown in, denotes anything but a desire to have matters done decently and in order. The Rev. Harvey Stanly speaks of it as some thirty years before the publication of his book, "Pilate and Herod," 1853, and mentions Mr. Richard Thomas as having talked it over with him.

rough inside finish. It is seven feet high at the peak of the arch.

"Both the caskets has been broken open along the full length of the top, so that it was only necessary to fold back the leaden tops to see the contents. The wooden inside caskets were almost entirely rotted away, the few remaining fragments, however, showed that the wood was rough unfinished pine.

"The skeleton of the woman was practically intact except for the finger bones of each hand. The two upper front teeth were missing and the lower ribs were broken where the top of the man's skull and one of the forearm bones had evidently been thrown in with considerable force, force enough at least to break these bones, for they lay among the broken ribs.

"This piece of the man's skull had evidently been sawn across, verifying the traditions that an embalming method had been used that included removing the brains and filling the skull with gum spice.

"The skeleton of the man was in a much worse condition. The remaining parts of the skull and the arms were considerably disarranged.

"There was not the slightest trace of clothing or trinkets or of any historical relic, and there was no stamp on the casket that I could see.

"A strange bit of fungus growth had been forming all these years here and there on the roof of the vault and falling down in small piles that look like piles of metal filings.

"It was evident from the structure of the vault that when built an opening had been left the size of an ordinary door through which the bodies were brought into the vault, after which the vault was sealed with brick from the outside. Evidently no part of the vault was ever above ground, as the outside is rough as it would be if the hole had been dug and lined with brick.

"The hole we made in the top was undoubtedly in the identical spot where the vault had been previously broken into. All the rest of the top was of smooth finish as you noticed, but this

portion near the southwest corner was all rough and loose. Broken fragments of brick could be picked out with the hands and the bricks of the arch itself were very loosely and irregularly put in at this point. They were easily removed by hand, whereas the rest of the arch was still very firm.

"This hole has again been sealed and we await with interest your decision in the matter of a permanent memorial. We appreciate very much your interest and that of your friends in helping to mark adequately the historic details of this Maryland shrine.

"I very much regret that I will be unable to attend the meeting of the Maryland Historical Society on the eighth, and I am sending you this account of my observations in the vault in case you may be desirous to discuss the matter yourself at the meeting.

"Cordially yours,

"(signed) C. W. WHITMORE,
"Rector, St. Mary's Parish,
"St. Mary's City, Md."

JAMES ALFRED PEARCE

BERNARD C. STEINER

(Continued from Vol. XVII, p. 47)

On Feb. 14, 1846, Pearce presented the credentials of Reverdy Johnson, as his colleague and, on the 27th the two Maryland Whig senators voted for the extension of the Missouri Compromise line through the territory acquired by the annexation of Texas.^{27a} Johnson continued as his colleague, until he

^{27a} On May 26, 1846, Pearce offered a resolution to inquire into the expediency of providing by law for the distribution among soldiers the value of public property captured from the enemy.

resigned in 1849 to become attorney general ^{27b} and was succeeded by David Stewart, a gubernatorial appointment. Governor Thomas G. Pratt was next chosen by the legislature, to serve from 1850 to 1856, and Anthony Kennedy succeeded him for the term extending from 1857 to 1863. Pearce's relations were pleasant with his associates, who, except Stewart, were of his own political faith. The nearest that he came to an important disagreement with any one of them, was with Johnson, at the time of the Mexican War. ^{27c}

Urbane and dignified, Pearce speedily established pleasant relations with his fellow members, especially with those of his "mess." ²⁸ Even in the excitement of debate, he rarely showed acerbity of manner. He was frequently engaged in controversy with John P. Hale of New Hampshire, whom he regarded "as a man of extreme views and imperious temper." Their differences did not occur, however, over political questions, but because Hale was, continually, attacking appropriations for scientific work, of which appropriations Pearce was the chief

^{27b} On Aug. 7, 1846, Pearce together with Johnson successfully opposed a disaffirming the territorial laws of Iowa and Wisconsin granting banking privileges.

^{27c} On July 13, 1848.

²⁸ The esteem with which he was regarded by his colleagues is shown by the following brief notes from the two greatest Whig leaders.

FROM HENRY CLAY ON FEBRUARY 4, 1845.

"My dear Sir

Will you kindly do me the favor to deliver the enclosed letter to your Messmate and transmit the other to your new colleague?

We are looking with anxiety to the issue of the Texas resolution in the Senate. The papers speak with doubt of its fate there, which excites my surprise."

FROM DANIEL WEBSTER IN WASHINGTON, MARCH 13, 1845.

"My dear Sir,

The Whig members of the Senate have had a meeting, to-day, & have agreed, unanimously, that it is highly important that you should be here, by Sunday Evening. We are all very unwilling to disturb your retirement, at the present moment, and under your so recent affliction. But public considerations of interest and magnitude, induce us, most respectfully, but urgently to ask your presence, by the time above mentioned." (Mrs. Pearce had recently died.)

protector. Letters show the friendship felt for Pearce by men of such different mental characteristics as Sam Houston of Texas, J. M. Root of Sandusky, Ohio, and Robert C. Winthrop of Massachusetts.²⁹

His son, Judge Pearce, recently wrote: "Among my father's most intimate associates in the Senate were John M. Clayton of Delaware, George E. Badger of North Carolina, John J. Crittenden of Kentucky, and J. McPherson Berrien of Georgia, and from Northern States; Thos. Corwin of Ohio, Jacob Collamer and Justin S. Morrill of Vermont, and Wm. P. Fessenden of Maine."³⁰

"I believe he was more warmly attached to Senators Badger and Corwin than any others, in whom he thought there was a rare combination of ability, personal worth, and public virtue. I have often heard him speak of them in the highest terms and I have seen the latter at my father's house and was old enough to recognize him as a great man."

"He held Mr. Collamer in high esteem as a public man, as he also did Mr. Morrill and I have heard him frequently speak of Mr. Fessenden's great ability and high courage in the discharge of any positive duty."

His relations with Jefferson Davis are shown by the latter's letter to him from Palmyra, on Aug. 22, 1852.

"Among the most pleasing reminiscences of my connection with the Senate I place my association with you, and first among the consolations for the train of events which led to my separation from the body, I number your very kind letter. When it was received I was unable on account of opthalmic disease to write and delayed answering until I could dispense with an amanuensis, why I delayed longer I cannot satisfac-

²⁹ Edward Everett recommended R. Livingston for appointment as archivist on Dec. 9, 1857, and signed himself "your ancient colleague and friend."

Thomas H. Benton on Dec. 13, 1847 recommended the retention of Mr. Corbin, "an old friend," as clerk of a committee.

³⁰ J. Y. Mason wrote Pearce from Richmond on July 7, 1852, thanking him for "his free and manly letter" and expressing his pleasure that he had not lost Pearce's "esteem and friendship."

torily say, but with entire certainty I can say it was not because I did not feel the friendship, the delicacy, and the generosity which detailed your letter, it was not because I did not desire to hear from you often and to be kindly remembered by you. If I know myself you do me justice in supposing that my efforts in the Session of 1850 were directed to the maintenance of our constitutional rights as members of the Union, and that I did not sympathize with those who desired the dissolution of the Union. After my return to Missi. in 1851 I took ground against the policy of secession, and drew the resolution, adopted by the democratic *state rights* convention of June 1851, which declared that secession was the last alternative, the final remedy, and should not be resorted to under existing circumstances. I thought the State should solemnly set the seal of her disapprobation on some of the measures of 'the compromise.'

"When a member of the U. S. Senate I opposed them because I thought them wrong and of dangerous tendency, and also because the people in every form, and the Legislature by resolutions of instructions required me to oppose them. But indiscreet men went too fast and too far, the public became alarmed, and the reaction corresponded with the action, extreme in both instances. The most curious and suggestive feature in the case is the fact that those who were originally foremost in the movement were the beneficiaries of the reaction. Having by their extreme course created apprehension, they cried most lustily that the Union was in danger, and saved by their exertion the offices of the State, and some of the federal government.

"I read sometime since your reply to Gwinn as published in the Union and if it had been published in pamphlet form would be glad to have a copy. We who know Mr. G. can realize as a joke his arraignment of any one for extravagant expenditures and misapplication of public funds.

"I thank you for the hope you express for my speedy return to the Senate; I believe that the people of the State if another election occurs before the choice of a Senator will so decree, but the present legislature has been called to meet in extra-

ordinary Session and the numbers having been elected under extraordinary circumstances no calculation as to their course on this subject can be made by ordinary rules.

"I believe that Emory will lose no reputation by his triumph over the favoritism of the Top: Eng. bureau, but the Govt. cannot now gain all which his knowledge of the particular subject would have secured to us if he had been continued in the position of astronomer. I am as ever truly your friend."

With Trumbull of Illinois, he had one difficulty, when the Indian appropriation bill was under discussion, on June 15, 1860. Trumbull charged Pearce with attempting to shelter himself behind parliamentary law. Pearce denied the charge with asperity and expressed his "astonishment that, at this stage of the Session, and at this hour of the night, the Senator should deliver a lecture which is a sort of arraignment of our law of parliamentary proceeding."

Twice during the Whig administration of President Fillmore was Pearce tempted to leave the Senate. Pearce was then at the height of his reputation and was even suggested as a possible future Presidential candidate by some of his friends. When Taylor first assumed office in 1849, Pearce was dissatisfied with the members of the cabinet selected by the new President, and wrote upon the subject to his friend Crittenden,³¹ who replied from Frankfort on July 23, 1849.

"I received yesterday your letter of the 14th. inst: and read it with mingled feeling of pleasure and regret—pleasure, at such an evidence of your kind remembrance of me, and regret, to find that you had such cause, or any cause, for dissatisfaction with the present Cabinet. Under the circumstances stated your feelings of resentment were natural and just, but

³¹ So John Johnson, wrote Pearce from Annapolis on Aug. 31, 1850, hoping that he would accept the Department of the Interior if tendered him and that he understood that Fillmore wished to fill it from a slave State.

I hope they admit of some explanation and atonement that may be satisfactory to you—Their offence to such a man as you cannot have been *intentional*, but must have proceeded, I should think, from inadvertence or misunderstanding, the more supposeable from the hurry and confusion of the first days of a new administration. I will hope that all will yet be explained and reconciled, as ought to be, to your satisfaction.

“I have now before me a letter which I have just written to Mr. Clayton in behalf of your friend Mr. Charles H. Constable, and I do sincerely hope he may obtain the appointment he solicits.

“I am quite certain that Clayton is your friend and entertains for you the highest regard,—and I have thought it proper to communicate *in strict confidence*, to him, the substance of so much of your letter as states your cause of complaint against the Cabinet—My motive in so doing was to afford him, the opportunity of effecting, so far as he could, all proper explanations, atonements, and reconciliations—I have done this on my own responsibility, and I trust that you will not disapprove it.

“I fear, Sir, that from the great press for office, I can be of but little service to your friend Constable, but I wish you to be assured that it will always give me a real satisfaction to oblige you or to serve any friend of yours and I hope you will allow me to subscribe myself, in great sincerity, and with high respect, your Friend,”

Fillmore belonged to the same section of the Whig party as Pearce and, in 1850, the President offered Pearce the Judgeship of the United States District Court for Maryland. Pearce would have made a good judge, but he was wise to retain his senatorial seat. Fillmore then tried to bring him into the Cabinet, as Secretary of the Interior, and even issued him a commission for that office, but Pearce was again wise in avoiding an administrative post and continuing the legislative life, in which he served the Nation so well.³²

³² When news of the proposal that Pearce take the Department of the

Pearce's old friend and neighbor, E. F. Chambers,³³ wrote him from Chestertown, on July 2, on hearing of this latter appointment, and his letter is of considerable importance because of its careful survey of the situation.³⁴

"On my return from Centreville last evening I found yours of the 20th. inst: announcing your final purpose in reference to the appointment offered under circumstances so flattering to yourself and so gratifying to your friends.

"Your acceptance would doubtless have been well received by those who might hope to be benefited by an appeal to your personal kindness, in the way of preferment, but as far as I have heard an expression of sentiment your best friends concur in the opinion that it would have been disastrous to your pecuniary and professional prospects, and certainly not by any means a safe means of advancing your political prospects. . . .

"It may savor of presumption to talk of accepting or declining a post which may never be tendered.

Interior reached Severn Teackle Wallis he wrote from Baltimore in July, 1850:

"From the confidence with which your appointment and confirmation as Secretary of the Interior are spoken of, I take it for granted that there is no mistake in the public impression on the subject. I can hardly say that I congratulate you, because I should consider such a position as yours, in the Senate, the more enviable station. Nevertheless, as things go and other men think, it is an accession of honors, to which I hope you will permit me to bid you hearty welcome. That you may wear them as worthily as you have earned them, is the best wish that anyone could tender you, and I can only add my hope, that it will be with less of personal sacrifice, than such honors sometimes bring to these who deserve them best."

³³ E. F. Chambers (1788-1867) was Chief Judge of the Second District of Maryland from 1834 to 1851 and declined the office of Secretary of the Navy in 1852, on account of ill health.

³⁴ On the other hand, Z. Collins Lee wrote from Baltimore on July 20, sending congratulations on the appointment from Charles F. Mayer, William Schley and himself and adding, "as an old but junior schoolmate, I have watched your career in public life and it personally affords me high gratification to witness the firmness, truth, and ability, which has distinguished it in the cause of sound conservative Whig principles and measures."

"I have no political aspirations. At my time of life it is necessary to regard any such position solely in reference to its immediate advantage—irrespective of its influence in leading to or diverting from the path to further and other stations. This was not your case—It is proper for you to look beyond any position which is to be occupied but for a brief period to the great field beyond.

"In my opinion it would have thrown you out of the track on which you are now traveling into one on which you could not as rapidly or successfully travel. But to my own connexion with the office. 1st. my long absence from the world and business of politics has put me "behind the pole" as the sportsmen say, and increases the force of the 2. objection—want of capability to be useful to the Country or to discharge the duty in a way to satisfy myself.

"3. The abandonment of my quiet home and occupation for scenes of bustle and excitement which might overtask my physical energies and certainly would lacerate my moral faculties and feelings.

"4. A thousand nameless but inevitable discomforts consequent upon a change of residence—a change of occupation—of society—of amusements and recreation—in short a new commencement of life at 62 years of age.

"As to the abandonment of my seat on the Bench you mistake by supposing it would cost me a struggle. It is extremely laborious—of very small profit—keeps me very much from home and is likely to become the subject of reform and probably so arranged to make me unwilling in any event to continue to hold it.

"The only judicial chair I would give a shilling to occupy is that of Circuit Judge for Md. and Dela. as Judge Duval held it. The S. C. will probably escape the distinctive sweep which is levelling all the valuable institutions of the States.

"I have enumerated some of the serious objections, what advantages counterbalance them? I have yet to learn them—

The kind and partial feelings of Gov. Pratt and yourself you may well suppose have gratified me exceedingly."

Pearce's interest in the decorum of the Senate appeared on Dec. 20, 1849, when he voted against admitting to the floor Father Theobald Matthew, the advocate of total abstinence, though he held Matthew's exertions in the cause of temperance in the highest respect. He felt the precedent was dangerous and, if followed, "the Senate will soon become a sort of court to give certificates of merit and good behaviour." Later, in the same Session, on Feb. 14, 1850,³⁵ Pearce objected to the admission of ladies to the floor, as the Senate was not a "court of love and beauty" and "the transaction of weighty matters" might be "checked and obstructed" by suspending the rules. Clay said, "Oh! give way," and Pearce yielded.³⁶

He approved the "liberal and courteous" practice of the Senate, having seen freedom of debate trampled on in the House and that deliberation refused which was absolutely necessary to the understanding of a question. "It is only by allowing free offering of amendments and their free and full discussion that the rights of the minority can be sustained." This right might, in truth, be abused, but that is a trifling inconvenience compared with the much more serious inconvenience that may arise from delaying that freedom of discussion.³⁷

He objected to an investigation³⁸ of payments to Generals

³⁵ St. Valentine's Day, by the way.

³⁶ The same care for the decorum and property of the Senate was shown on Jan. 9, 1850, when he objected to withdrawal of papers, as such action would arouse suspicion in that the papers might come back changed. On March 20, 1858 he objected to the presence of ladies on the floor of the Senate during the Kansas debate. When endeavoring to restrict access to the floor of the Senate on Jan. 10, 1859, he said he would insert the name of the President amongst those permitted to come thither, not because he was likely to come, but because he should have the right. "He came formerly and, possibly, may do so again."

³⁷ June 24, 1852.

³⁸ Aug. 14, 1852.

Winfield Scott and Franklin Pierce, when they were both candidates for the Presidency, as tending to diminish respect for the Senate, and as benefitting the character of neither gentleman. He was averse to overgorging a "vitiating public appetite, already fed to satiety upon political detraction."

On Feb. 26, 1855, he moved to adjourn, since "it is late, the Senate is inattentive and weary and . . . we had better husband our strength for some of the inevitable exhaustion and fatigues of the latter days of the Session," which would end on March 4.

His zeal for the rights of the Senate led him to say, on March 3, 1859, that he never would have consented to any bill which contained an abandonment of the constitutional rights of the Senate. He would sooner strike out of existence the Post Office Department. The Senate had constitutional authority to increase the rates of postage; but, as it was necessary to agree with the House of Representatives, have an extra session, or close the Post Office after July 1, he signed a conference committee compromise report on a proposed bill.

He considered that it was inconvenient to waste time and that there was no reason why the Senate should not pass bills before the House organized.³⁹

In his zeal for the privileges of Congress, he maintained that a witness must answer questions of either House, or its Committee, or should be put in jail, until he either testifies, or has been indicted and has given bail.

He was no bitter nor incessant critic of the administration, when he differed from it in politics.⁴⁰ Indeed (on July 25, 1854) he favored an appropriation to pay the President's Secretary, and to bind documents, etc. in the executive offices.

³⁹ Jan. 18, 1860. On Jan. 31, he stated that he objected to excusing Senator Grimes of Iowa from the committee on Private Landclaims, upon the ground that he knew no French or Spanish.

⁴⁰ On April 9 and 15, 1850, he criticised the expense of the Census and the efficiency of the Postal Department. On March 3, 1850, he favored a mail subsidy to the Collins line of steamships.

The President had formerly taken away papers at the close of his term, because there was no file for them. Enough rich lace curtains had been carried away from the White House to make a dress. There should be some one charged with the care of plate and furniture there, the President should have messengers, and Polk was correct in regarding it highly important that Congress should organize something like an Executive Office for the preservation of presidential papers.

A good illustration of Pearce's fairness was shown ⁴¹ when a proposal was made to permit railroad iron to be imported. He felt that to give the privilege to any one railroad would be unjust, but he made no objection to grant it to all railroads. "The laws should be equal, while they are liberal. They should apply to one as well as to another." Consequently, he was inclined to act liberally where a failure to fulfil a contract was not the fault of the contractor.⁴²

In his zeal for the public good he did not hesitate to resort to filibustering tactics toward the end of the Session of 1850-51, when he killed the River and Harbor bill and one for the relief of Thomas Ritchie, the printer, in order that appropriation bills might pass.⁴³

He successfully opposed the grant of constructive mileage to any Senators, except new members, at the beginning of special sessions,⁴⁴ so as to set the Senate "free from the remotest suspicion of anything that can throw a stain upon its reputation."⁴⁵

He entertained no doubt ⁴⁶ of the right of the Senate at

⁴¹ February 20, 1851.

⁴² Jan. 29, 1851. See also Feb. 17 and 21, 1855.

⁴³ March 1, 3, 4, 1851. On March 11, at the extra Session, he spoke on the importance of having the printing done at the rates of the previous contract.

⁴⁴ Clay approved his action, Feb. 28, 1851.

⁴⁵ As late as Feb. 6, 1862, he discussed the mileage question, favoring some contribution to distant members and pointing out that the old law which was in force until 1856 endeavored to provide compensation for actual travel.

⁴⁶ March 5, 1851.

Special Sessions, to transact any business, which did not require the co-operation of the House of Representatives.

He was willing ⁴⁷ to give up the franking privilege, which was productive of much more labor than benefit to him. He did not send out one-tenth of the documents received and could not do so, unless he "became clerk and gave up the study of the great measures before the country." He gave these documents "away by the cart load to institutions, who make better use of them than I can." He favored no sudden change, nor quarrel with the House over the matter, but rather a study of the situation at the next session.

Pearce was considerably interested in public buildings and had considerable knowledge of building.⁴⁸ He advocated completion of the patent building and defended the maintenance of the greenhouse, acting as chairman of the Committee thereon for many years.⁴⁹

On Aug. 14, 1856, he made an earnest plea against withdrawing the superintendence of buildings from military officers. He heard complaints that the Capitol was built too solidly! which he, indignantly, said was impossible. Such a building should "not only be solid, but magnificent, so that it should, in every respect, correspond with the greatness of the Nation, with the liberality of the people, and with the wealth of the people. There is no nation on the face of the earth, if you consider the diffusion of wealth among them, to be compared with our own," Pearce proudly said, "not one that is so prosperous, and, individually, comfortable and thrifty as the people of this country. . . . Our revenues are yielded out of

⁴⁷ June 14, 1858.

⁴⁸ See his speech of April 12, 1850, wherein with minute accuracy, he referred to blue freestone as "argillaceous and ferruginous sandstone."

⁴⁹ On April 15, 1850, when Dickinson of New York attacked an appropriation for removing the greenhouse, Pearce asked whether Dickinson would pull up the flower beds around the capital. He frequently, as in 1856, spoke in favor of supporting the greenhouse. Thos. Ewing, when Secretary of the Interior, wrote him concerning the building of the wings of the patent office.

the superabundance of the millions " and seem "to pour spontaneously, into the coffers of Government, so easily is" the money "collected and so little does any one feel his contributions."

Civilians, who had formerly superintended the work and had lost their positions, fomented opposition to the army officers. Pearce warmly defended Captain Meigs, the officer in charge of the building of the Capitol. "Economy," Pearce added, "consists in using the proper materials adapted to the desired end, and paying only the fair and reasonable compensation for them." The expenditure for statuary was justified, since "this was intended to be a great building" and the statues were part of the grand design. Crawford's statues in the pediment are of "most exquisitely beautiful style" and were not expensive. The doors might have been made of steel, it is true, "or mahogany, at a trifling cost, by niggardly economy"; but Crawford's bronze doors "perpetuating Revolutionary scenes, which no American ought to have obliterated from his memory," may be compared with the famous ones of the Madeline at Paris, and with those at Munich and Florence. He quoted Ferguson on Architecture, as to the distinction between the business of an architect, which is ornament, and that upon engineer, which is "construction, solidity, adaptation, and proper economy in management." A strong defense was made of the construction of the Chambers of Congress without windows, but with light from above and "ventilation on scientific principles," like those used in the houses of Parliament. He believed that their acoustics will be a triumph.⁵⁰ Hale of New Hampshire, said that we "should take the free air of Heaven, as God had given us it," and Pearce retorted that

⁵⁰ Hale interrupted him and Pearce replied that Hale favored preparation of the Nautical Almanac in a public establishment. We manufacture our arms. There was no foundry in the United States for cannon, except the experimental one of Lt. Dahlgren in the Washington Navy Yard. Hale had held that we ought not to build ships in the Navy Yards, but to give them to private contractors, which idea is mistaken, as the next few months would show.

then "we must take it, not in a house built with hands, but in that only house which he has furnished, the surface of the broad earth, with its carpet of green and canopy of blue and glittering of stars." Heaven "decrees the cold rigors of winter. Would the Senator have us sit here without furnaces, or fire-places, to dispel those rigors, because nature ordains them? Does Providence make the windows any more than the walls."

The original Capitol had been constructed of unsightly sandstone, and finished with plain plaster and whitewash. Was it extravagant, Pearce asked, to spend five million dollars on the new building, when labor is higher, there is more ornament used, and the size is doubled? Captain Meigs' salary was \$1,800, a civilian would receive \$10,000. Meigs will have fame for sacrificing the best years of his "life in the hardest work ever performed under this government for a messenger's pay," since "he is one of those superior minds to whom glory is its own reward, who scorn all meaner views."⁵¹

(To be continued)

⁵¹ Pearce was interested in the purchase of a building for the storage of the government archives. He wished that a building be purchased located at the corner of F and 17th St. N. W., already partly rented for the Federal offices, Feb. 22 and March 2, 1849, and urged that \$200,000 be appropriated for that purpose. (See Aug. 26, 1852 and March 1, 1853.)

THE LIFE OF THOMAS JOHNSON

EDWARD S. DELAPLAINE

PART TENTH

CHAPTER XVI

IN THE MARYLAND CONSTITUTIONAL CONVENTION

The provisional régime, founded in 1775 under the guidance of Congressman Thomas Johnson, had been very successful. For nearly a year it had served its purpose well. It had assumed all the legislative, executive and judicial functions of the province and had been administered with eminent justice. But, as every one knew, its machinery had been hastily improvised. And the time had now arrived when the Almighty ordained that Maryland should forge a Declaration of Rights and a State Constitution in the sacred fires of the American Revolution.

Accordingly, in the Maryland Declaration of Independence, adopted on the 6th of July, 1776, is to be found the following statement:

“ We have also thought proper to call a new Convention, for the purpose of establishing a Government in this Colony.”

Familiar with every sentence of the celebrated paper proclaiming Maryland's independence, Delegate Johnson was unquestionably aware of the plan “ of establishing a Government in this Colony.” Yet, while other leaders were marking time in those torrid days of late July, awaiting the momentous gathering, Johnson, as we have just seen, was taking advantage of the interim on the Maryland frontier, training and equipping the Flying Camp. Firm was he in the opinion that as the Royal troops were daily advancing in more formidable numbers, it was his duty—notwithstanding the official order

relieving him of his command—to furnish General Washington additional troops with all possible expedition, regardless of any sacrifice to his civil obligations.

Nevertheless, it was, without question, a public duty of no little importance to send to the approaching Convention the ablest and most farsighted men in all the Colony. For, upon the result of their labors depended, to a large degree, the future welfare of the State. And, indeed, the people of Maryland realized this grave necessity. Behold, for instance, a few of the more notable nominees in Anne Arundel County—the stormy Samuel Chase! The erudite William Paca! The wealthy Charles Carroll of Carrollton! The gallant Thomas Johnson! What a brilliant array of candidates!

The election began on August 1, 1776. Now, elections (in those days as well as in more recent years) oftentimes produce unexpected results. This particular election was unusually surprising. Within twenty-four hours after the polls had opened, it became evident that several of the outstanding patriot leaders—men who had generally been able to command any office in the gift of the people, for the asking—would be defeated! The people in other sections of Maryland were amazed. They could scarcely believe it possible for anyone in Anne Arundel County to secure the preferment over such brilliant and popular statesmen as Paca, Carroll of Carrollton and Johnson.

Yet such was the fact. On the 2nd of August, the Council of Safety rushed off to the Maryland representatives at Philadelphia this burning message: "Yesterday our election for this County (Anne Arundel) began and is not yet ended. We are sorry to inform you that Mess^{rs} Johnson & Paca and Carroll of Carⁿ from present appearances will not be elected." ⁵² Mr. Chase, it seemed, would receive sufficient votes; but Rezin Hammond, Brice Thomas Beale Worthington and Charles Carroll, barrister, were likewise "greatly beyond any others on

⁵² XII *Maryland Archives*, 163.

the Poll"—and Anne Arundel was entitled to only four seats in the Maryland Convention. The Council of Safety added that very few people from Elkridge or the lower part of the County had "as yet attended." There was not the slightest indication, however, that the result of the election would be different from the forecast. The early prediction of the Council of Safety was correct. Rezin Hammond, B. T. B. Worthington and Barrister Carroll were elected, together with Mr. Chase, to represent Anne Arundel County in the Maryland Constitutional Convention.

The defeat of Thomas Johnson at this crucial period, it is quite certain, gave him little concern. Indeed, according to one rather generally accepted tradition, he was unwilling to occupy a seat when bound, as he knew he would be, by the instructions adopted by the voters of Anne Arundel County. And in the writings of Gen. Bradley T. Johnson, of the Confederate Army, the defeat of Thomas Johnson on this occasion is ascribed to his "refusal to yield to some popular notion." However this may be, it is certain that on the eve of the election, the first brigadier-general was devoting his time and his energies, as well as a considerable amount of his money, to his little army—and paying no attention to his personal ambition.

Yet, while it is probable that Mr. Johnson himself did not grieve over the result of the poll, his defeat was the cause of profound regret in all sections of the Colony. "I am sorry," were the words of Charles Grahame of Lower Marlborough, typical of the attitude of the people, "to hear that Mr. Johnson is dropped by Anne Arundel County. It would have given me pleasure to have served with him and as I have heard nothing of the City (Annapolis) Election am still in hopes of his being elected for that." ⁵³

The city of Annapolis and the town of Baltimore were entitled to send delegates to the Maryland Convention, the same as the various counties and districts. Accordingly, all eyes now

⁵³ XII *Maryland Archives*, 186.

turned—as Mr. Grahame suggested—to Annapolis, to see if Paca, Carroll of Carrollton, and, especially, Johnson would be elected to represent the municipality. But so far as Johnson's election was concerned, they were disappointed. "We shall say nothing particular about the elections," wrote the Council of Safety under date of August 9, to the Maryland Deputies, "more than what relates to yourselves. S. Chase is in for Ann^l (Anne Arundel), W. P. (William Paca) & Carrollton Carroll for Annapolis. T. J. (Thomas Johnson) & T. Stone are left out."⁵⁴

So, when the historic Constitutional Convention of 1776 opened at Annapolis on the fourteenth of August, and after that stanch old veteran, Hon. Matthew Tilghman of Talbot County, was elected to the Chair, the older delegates instinctively looked to find the dark, piercing eyes, the sharply chiseled nose, the firm, well-formed mouth, the auburn, silken hair, and the genial smile, so long familiar in the hall of the Convention.

It was not long, however, before a way was opened for Johnson to enter the door of the Convention. The first step in this direction was a resolution adopted on Friday afternoon, August 16, declaring that any member of the House who accepted a commission in the Flying Camp would automatically vacate his seat. Then came the election of Delegate William Richardson, of Caroline County, as Colonel of the Eastern Shore Battalion of the Flying Camp. This was followed on Saturday morning by an order "that a delegate be elected for Caroline County in the room of Mr. William Richardson, whose seat is vacated by his acceptance of a Colonel's Commission in the Flying Camp." There has always been a tradition in Maryland that Colonel Richardson conveyed a tract of land in Caroline County, containing about 300 acres, to Thomas Johnson for the purpose of making the eminent Western Maryland statesman eligible for the vacant Eastern Shore seat. Did Mr. Johnson accept such a deed? How long, if at all, did he have possession of the prop-

⁵⁴ XII *Maryland Archives*, 191.

erty? These are questions that have never been satisfactorily answered. Suffice it to say, the news that he would, after all, become a member of the Constitutional Convention immediately spread like wild-fire to all sections of the Colony. Within one week after Delegate Richardson automatically removed himself from the Convention by his acceptance of the Coloneley, it became common gossip that "Tom" Johnson would secure virtually the unanimous support of Caroline County for the vacant seat. One of the evidences of this certainty is a letter written at that time by Joseph Nicholson, Jr., one of the Eastern Shore members of the Council of Safety, to Daniel of St. Thomas Jenifer. Writing from Queen Anne's County, August 23, Mr. Nicholson said: "I shall do my self the pleasure of waiting upon the Council next week, as soon as Mr. Johnson is elected for Caroline, which will undoubtedly be the case without opposition. I speak this from assurances made me by every man of interest and note in the County, every one of whom I have had personal interviews with."⁵⁵

The special election in Caroline County was held on August 26th, and on Friday afternoon, August 30th — exactly two weeks, to the day, after William Richardson gave up his seat—the Committee of Elections reported that "*Thomas Johnson, esqr., is duly elected a delegate for Caroline county.*" Then appears, in the Proceedings, the following brief, but significant, statement: "*Mr. Johnson appeared and took his seat in the House.*"

Delegate Johnson had come to the Constitutional Convention by an unusual route. And although the committee had already been appointed "to prepare a declaration and charter of rights, and a plan of government agreeable to such rights as will best maintain peace and good order, and most effectually secure happiness and liberty to the people of this state," an opening was made, as if by the hand of Providence, for Mr. Johnson to become a member of this committee. Soon after

⁵⁵ XII *Maryland Archives*, 234.

the Convention opened, President Tilghman, Samuel Chase, William Paca, Charles Carroll of Carrollton, Charles Carroll, barrister, George Plater and Robert Goldsborough had been elected for the important task. But three days prior to Mr. Johnson's arrival, came a stirring development. Three members of the Convention—Samuel Chase, Carroll, barrister, and Worthington, all representing Anne Arundel County—resigned, declaring they had received "instructions from their constituents, enjoining them, in framing of a government for this state, implicitly to adhere to points in their opinion incompatible with good government and the public peace and happiness." Mr. Johnson had just taken his seat when the Convention proceeded to fill two places on the committee made vacant by the resignation of Samuel Chase and Carroll, barrister. Mr. Robert T. Hooe was one of the men chosen on the committee. Mr. Johnson was the other.

While the work of drafting the organic law of the State required diligent application, the members of the committee meanwhile continued to take part in the proceedings on the floor of the House. Mr. Johnson, for example, offered a plan to empower the Council of Safety "to purchase and store 30,000 bushels of salt in such of the islands in the West Indies as they may think proper and by proper opportunities to import the same into this state, to be sold out on the public account." His proposal was adopted by the Convention on the last day of August.

On the 6th of September, a plan was presented to divide Frederick County into three different parts. Carroll of Carrollton, Robert Goldsborough and Robert T. Hooe were among those who favored postponement of the question, but others, including Johnson and Paca, were in favor of immediate action. When the question came to a vote, it was decided to act at once. It was thereupon resolved that after the first of October, 1776, all of Frederick County west of South Mountain should be erected into a new County to be known as *Washington*; the territory extending from the mouth of Rock Creek

to the mouth of the Monocacy River to be known as *Montgomery*; and the remaining, or central, portion to continue under the name of *Frederick*.

The 7th of September marked the beginning of an attempt to authorize Thomas Stone to represent Maryland in the Continental Congress. Evidently intending to forestall any such action, Mr. William Fitzhugh of Calvert County moved that no person should be eligible for Congress except a member of the Convention. Mr. Fitzhugh warned the House that to depart from this custom might "introduce and intrude on this community men unworthy of confidence into the most important and highest trusts, dangerous to the safety and welfare of America, especially at this critical conjuncture." When the previous question was called, the majority—including Johnson, Goldsborough, Hooe, Paca and Carroll of Carrollton—voted against it; and Mr. Fitzhugh's proposition was placed upon the shelf. A motion was thereupon offered by Mr. Paca that Mr. Stone be empowered "to represent this state in congress, in as full and ample manner as the delegates heretofore appointed might or could do, until the said delegates or any two or more of them shall attend, or this convention make further order therein." The motion was supported by Johnson, Goldsborough and Carroll. However, the anti-Stone men won by a margin of 31 to 27, and for the time being, the appointment was prevented; but, as we shall see, Mr. Stone's friends succeeded a few days later in securing his appointment.

Before adjourning for the week, Mr. Johnson directed the attention of the House to the necessity of curbing the activities of non-associators. He moved the passage of a resolution authorizing the appointment of a committee to prepare and report resolutions "to prevent non-associators from endangering the peace of this state." The Convention adopted his plan and selected five men to study the situation. Mr. Johnson was placed at the head of the committee.

On Tuesday, September 10th, after various matters of routine business were transacted, the Committee chosen to draft

the Constitution and Declaration of Rights made its report to the House. The proposed Form of Government for the State was read, and in order that it could be thoroughly digested, was ordered to lie on the table. On the following morning, this question was raised: Should the draft be considered immediately or should it be deferred? Most of the leaders, among them Mr. Johnson, were in favor of deferring action "till Monday fortnight"—*i. e.*, until September 30th. Thirteen members voted for immediate action, but the majority felt that adjournment for a few weeks would present an opportunity to ascertain the sentiment of the people.

On September 11, it was moved "That the deputies appointed to congress, and now attending this convention, or any three of them, immediately repair to congress, and in conjunction with Thomas Stone, esq., represent this state in such manner as is prescribed by the nomination and appointment heretofore made." Mr. Fitzhugh and a handful of others voted against the previous question; but the overwhelming majority—including Johnson, Carroll of Carrollton, Paca and Samuel Chase, who being members of Congress were directly affected by the motion—cast their votes for the motion and it was accordingly resolved in the affirmative. It is necessary at this juncture to explain that Mr. Chase, who had resigned from the Convention, was reelected by his constituents; Brice T. B. Worthington was also sent back to the Convention; but the seat of Carroll, barrister, was filled by John Hall.

Johnson, Chase and Paca bade adieu to the members of the Convention on September 12th and, soon after, were on their way to Philadelphia. Mr. Carroll of Carrollton, it appears, remained in Annapolis until the adjournment of the Convention on September 17th.

* * * * *

At the Head of Elk, Johnson stopped for a brief visit at the home of Lt.-Col. Henry Hollingsworth. This is inferred from a letter, written September 28, in which the lieutenant-colonel,

after assuring the Council of Safety that he had begun forging barrels "in earnest" (at the rate of one per day), promised that he would send to Annapolis several samples of muskets for inspection—"if locks could be had which Mr. Thomas Johnson informed me he thought might at Frederick." ⁵⁶

On arriving in Philadelphia, Mr. Johnson commenced a search for military supplies. His efforts were soon rewarded. Through the co-operation of Congressmen Willing and Morris, he succeeded in securing seventy-four casks of gunpowder. He ordered this supply to be shipped at once to Lt.-Col. Hollingsworth, with the request that he, in turn, forward it to its destination. The bill of lading for the shipment of powder to Philadelphia stipulated one-half the customary freight charge; but the owner of the vessel alleged an agreement with the shippers that the regular freight would be paid. Mr. Johnson demurred. In sending the bill of lading to Annapolis, he exhibits an insight into his character. At no time was he too busy to attend to the minutest details; he was exact and careful in all his dealings; he always kept in mind that he was a servant of the people and that he had to give strict accountability for his actions. Asking the Council of Safety if they had heard anything of the full rate, contrary to the terms of the bill of lading, Mr. Johnson took occasion to emphasize that the communication received from the shippers by Delegates Willing and Morris mentioned "nothing of the kind." ⁵⁷ The reply from Annapolis gave Johnson little satisfaction. It requested him to pay whatever he thought was right.

During these stirring days, a nasty dispute arose between Captain Thomas Watkins and his men. The captain was extremely unpopular with his company and his soldiers were leaving him. Appearing before the Maryland members of Congress, he declared the discontent of his men was due to the lack of clothing and blankets. Johnson, Paca, Chase and

⁵⁶ XII *Maryland Archives*, 308.

⁵⁷ XII *Maryland Archives*, 291.

Stone listened patiently to the tale of woe; and finally ordered Captain Watkins to repair to Annapolis to lay his troubles before the Council of Safety. On the 20th of September, the four representatives sent a joint communication to the Council, giving their version of the dispute. They explained that the Captain had only thirty-seven effective privates left in Philadelphia, and added, rather facetiously, that "indeed several of that number appear to us not really effective."

After telling of the scarcity of clothing in Philadelphia, the four Congressmen continued: "Lieut. Long goes to Worcester to endeavour to get the Deserters to return to their Duty under an Assurance which we have presumed to give that on their immediate return the past shall be forgiven. Capt. Watkins and his men we are sorry to inform you are on very ill terms, the Capt has beat some of them, he says he had great cause. They say he had none. Some of the men have said nothing shall induce them to continue in the company under Capt Watkins. We shall endeavour to keep the Remnant of the Company together under the care of the third Lieut^t until your Orders can interpose, for though an Inquiry seems to us to be necessary it cannot be had here; if the Independ^t companies should be regimented or even if the soldiers cloaths can be got, perhaps order may be restored in the company." The Congressmen, however, warned that Mr. Paca had heard Captain Watkins "is addicted to Drink and his appearance at several times we have seen him bespeaks it."⁵⁸

Replying to the Representatives, the Council of Safety declared that Captain Watkins, before his departure from Maryland, had received £1,000 currency for pay and subsistence and that he had been furnished everything possible. "And to say the truth," said the Council, "we firmly believe that he renders himself incapable of taking proper care of his Company by drinking to excess. . . . His removal perhaps would be the best method of promoting the publick service."

Watkins was given abundant opportunity to make good.

⁵⁸ XII *Maryland Archives*, 291, 292.

During October, he secured an order for 200 pounds to purchase arms and blankets and also 250 pounds for recruiting service. But his troubles evidently continued, for early in December he resigned his commission; and the members of the Council of Safety were only too glad to accept his resignation.

Having only two weeks, at this time, to remain in Philadelphia, Mr. Johnson and his companions from Maryland had little opportunity to participate in problems of National consequence. Nevertheless, on September 24th, Johnson was assigned to a committee of five "to devise ways and means for effectually providing the Northern Army with provisions and medicines, and supplying their other necessary wants."

* * * * *

The Maryland Constitutional Convention was scheduled to meet again on Monday, September 30th; and Messrs. Chase and Paca hurriedly slipped away from Philadelphia on Sunday, September 29th. The Convention adjourned from day to day until Wednesday, October 2, 1776, when both Mr. Chase and Mr. Paca appeared in the House.

Mr. Johnson did not appear in his seat until Monday, October 7. But, as soon as he did arrive, the Convention passed a special resolution adding him to the committee chosen the previous Friday to consider a communication from John Hancock, president of Congress. This communication explained that as the Continental Army, at Washington's request, was about to be re-organized, Maryland was requested to provide eight battalions in lieu of the militia. The Convention, acting upon the advice of the committee, resolved that although the eight battalions required by Congress exceeded Maryland's just quota—being based on a calculation of white and black inhabitants, whereas the quotas of men to be raised by the several states ought to be in proportion to the number of white inhabitants—yet the State of Maryland, eager to support the liberties and independence of the United States, would use its utmost endeavours to raise the troops as soon as possible.

At this time, on the eve of the adoption of the Maryland Constitution, Mr. Johnson showed conclusively on a number of occasions how conscientious he was as a public servant. One of these occasions arose when a motion was made to pay each Deputy in Congress the sum of 10 pounds per week during actual attendance. Some one offered an amendment to insert *twelve pounds ten shillings* in place of *ten pounds*. Mr. Paca, Mr. Chase and Mr. Carroll of Carrollton found no scruples in voting for the amendment. Johnson, however, refrained from voting. By a margin of 33 to 28, the amendment was adopted and the salaries of the Congressmen were raised.

An effort was likewise made, as at the previous session, to set the allowance of members of the Convention at 10 shillings, besides the usual "itinerant charges," instead of 14 shillings per day. Mr. Johnson again opposed this change. A number of the members, including Mr. Worthington and Mr. Hooe, favored the motion; but it was defeated by a decisive majority.

Later on, Mr. Johnson, noticing that many of the members were somewhat irregular in their attendance, offered a motion, "That every member who asks for leave of absence shall give his reasons for asking such leave, and that they be entered on the journal." The House so resolved. From that time on, there were many cases of "bad state of health," and "sickness of family" as well as "particular private business" and "private affairs requiring attendance at home."

Conscientious public service, diligent attention to all appeals for succor, unflagging industry and self-sacrifice for the general good, made Thomas Johnson by this time not only the leading member of the Maryland Convention but perhaps the most popular man in the State. Although at this time a representative from the Eastern Shore, Mr. Johnson received, as no other Deputy, appeals for help from persons in all sections of Maryland. When, for example, a dispute arose between Marylanders and Virginians as to the right of operating a ferry between Georgetown and the Virginia shore of the Potomac, and a Maryland ferryman was arrested by a sheriff in the Old

Dominion, in October, 1776, and "dragged to Fairfax Gaol in Alexandria," the entire grievance was explained by Robert Peter and Thomas Richardson in a letter to the Caroline County Representative.⁵⁹ The matter was duly presented to the Convention by Mr. Johnson and later a careful investigation was made of the trouble.

Finally, all the matters extraneous to the absorbing subject of the form of government were laid aside, wherever possible; and on the 31st day of October, 1776, the Constitutional Convention entered upon a consideration of the report on the Declaration of Rights.

The first memorable fight made by Thomas Johnson on the floor of the Convention was enacted on Saturday afternoon, November 2nd, in behalf of a number of religious sects, to relieve them of the necessity of making an *oath* through the medium of the *affirmation*. He proposed to do this by moving that the following Article be inserted in the Declaration of Rights:⁶⁰

"That the manner of administering an oath to any person ought to be such, as those of the religious persuasion, profession or denomination, of which such person is one, generally esteem the most effectual confirmation by the attestation of the Divine Being. And that the people called Quakers, those called Dunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation in the manner that Quakers have been heretofore allowed to affirm; and to be of the same avail as an oath in all such cases as the affirmation of Quakers hath been allowed and accepted within this State, instead of an oath. And further, on such affirmation, warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded;

⁵⁹ XII Maryland Archives, 355.

⁶⁰ Proceedings of Conventions, 308.

and Quakers, Dunkers or Menonists ought also, on their solemn affirmation as aforesaid, to be admitted as witnesses in all criminal cases not capital."

After Mr. Johnson had moved the adoption of the foregoing Article, Samuel Chase offered an amendment to strike out the concluding phrase: "and Quakers, Dunkers or Menonists ought also, on their solemn affirmation as aforesaid, to be admitted as witnesses in all criminal cases not capital." But the Chase amendment was turned down by a vote of 37 to 17.

Johnson's amendment was then ready for final action. When the question arose on the entire Article as submitted, it was adopted without a roll-call. Concerning Thomas Johnson's effort in this connection, Gen. Bradley T. Johnson says:

"True to the traditions of his State and his family, he proposed and secured to be inserted in the Bill of Rights the article securing religious liberty to Quakers, Dunkers and 'the people called Menonists' by giving them the right to testify in courts of justice without taking oaths, but on their simple affirmation. This perpetual monument of Johnson's glory appeared as Article 36 of the original Declaration of Rights as agreed to on Sunday, November 3, 1776, and it has been retained in every Bill of Rights of Maryland from that day to this. It is the historical, logical sequence of Cecil Calvert's act to secure religious toleration in matters of opinion."

Article XXXIX of the present Declaration of Rights, using the words of Johnson, provides: "That the manner of administering the oath or affirmation to any person ought to be such as those of the religious persuasion, profession, or denomination, of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine Being."

The adoption of the Declaration of Rights was followed by a consideration of the Constitution, and in the week that followed, a number of amendments were offered to the proposed document. On Monday morning, November 4th, when the reading of the Form of Government, Article by Article, began, the first roll-call occurred over the question of reducing the

amount of property necessary as one of the qualifications of a voter from *thirty* to *five* pounds valuation in current money. Thomas Johnson voted against this reduction, as did Chase, Paca and Carroll of Carrollton. The motion was defeated by a majority of 14.

The original draft of the Constitution proposed that all free-men qualified to vote for members of the House of Delegates should assemble in the Court House of each county on the first Monday of October, 1777, and on the same day in every year thereafter, and then and there elect, *viva voce*, four delegates. Mr. Chase preferred to have the elections every third year. His suggestion, however, fell on deaf ears. Failing in this, Chase moved that the elections be held every other year: in this motion he was supported by Johnson, Chase, Paca and Carroll of Carrollton. But the original scheme of annual elections appealed to the majority of the members; and, by a majority of eight votes, Chase's second motion was defeated.

The State Senate was to be composed of fifteen members—nine from Western Maryland and six from the Eastern Shore. The Senators were not to be elected by direct vote of the people but by an Electoral College. This method was recommended by Charles Carroll of Carrollton. Writing to a friend in 1817, Mr. Carroll said: "I was one of the Committee that framed the Constitution of this State, and the mode of chusing the Senate was suggested by me; no objection was made to it in the Committee, as I remember, except by Mr. Johnson, who disliked the Senate's filling up the vacancies in their own body. I replied that if the mode of chusing Senators by Electors were deemed eligible, the filling up vacancies by that body was inevitable, as the Electors could not be convened to make choice of a Senator on every vacancy, and that the Senate acting under the sanction of an oath and *l'esprit de corps*, would insure the election of the fittest men for that station." On the floor of the House, no amendments were offered to the plan for constituting the Senate.

Likewise, the plan of electing, by joint ballot of both Houses

of the Legislature, "a person of wisdom, experience, and virtue" as Governor of the State found no criticism on the floor of the Convention. The Governor was to be elected on the second Monday of November, 1777, and annually thereafter. He was to be assisted by a Council of five members, likewise chosen by the two Houses of the Legislature.

Only one modification was proposed regarding the qualifications for Governor. The draft provided: "That no person unless above twenty-five years of age, a resident of this state above five years next preceding the election, and having in the state real and personal property above the value of five thousand pounds current money, one thousand pounds whereof at least to be of freehold estate, shall be eligible as governor." One of the deputies proposed, as an additional prerequisite, that the Governor should be "a native of the United States of America." Mr. Johnson opposed this amendment, as did Chase, Paca and Carroll, and it was rejected by a vote of 29 to 25.

Chase, Paca, Carroll and Johnson generally lined up together on questions of policy; but Mr. Chase withdrew from the other three leaders when he proposed "That no delegate, senator, or member of the council, after he is qualified as such, shall hold any office of profit during the time for which he is elected." An overwhelming majority agreed with Mr. Chase, only thirteen deputies—among them Paca, Carroll and Johnson—opposing the restriction.

But the four distinguished leaders returned to the same fold, when Mr. Chase presented a motion "That a Justice of the Peace may be eligible as a Senator, Delegate, or Member of the Council, and may continue to act as a Justice of the Peace." This amendment was adopted by a large majority, and was incorporated in the Constitution.

Later, however, when Mr. Chase moved "That no field officer of the militia shall be eligible as a Senator, Delegate, or member of the Council," Paca, Carroll of Carrollton and Johnson, again withdrew their support. Nevertheless, Mr. Chase's amendment was adopted by a vote of 26 to 25.

While these four distinguished members of Congress had great power in the Maryland Convention, their opinions did not, by any means, always prevail. Mr. Chase, for example, proposed that the Governor, with the advice of the Council, should have the power to appoint the sheriffs; and his idea was endorsed by Carroll and Johnson. Yet, only nine votes, all told, were recorded in favor of the amendment.

On the sixth of November, Mr. Fitzhugh moved "That lawyers' fees ought to be ascertained and limited by law." A very large majority, including the four members of Congress, opposed even the previous question, and the attack against the legal profession was immediately repulsed.

That afternoon, the Convention arrived at the Article, which prescribed the oath necessary to be administered to every man before entering a public office in the State. Among other things, such person was required to swear that he would use his utmost endeavors to disclose all treasons, traitorous conspiracies or attempts which he knew to be against this State and the government thereof. Mr. Johnson moved that, instead of the long and cumbersome oath prescribed in the original draft, the following be inserted: ⁶¹

"I, A. B., do swear that I do not hold myself bound in allegiance to the King of Great Britain, and that I will be faithful and bear true allegiance to the State of Maryland."

Chase and Paca voted against the amendment, but Carroll of Carrollton supported it. By a vote of 29 to 26, Johnson's oath was ordered to be made a part of the Constitution.

While the renunciation of allegiance to the Crown has disappeared, the second clause of the oath proposed by Thomas Johnson in 1776, is still to be found in Article I, Section VI, of our present Constitution. To this day, every person elected or appointed to any office of profit or trust under the Con-

⁶¹ *Proceedings of Conventions*, 341.

stitution of Maryland or the laws made in pursuance thereof, before entering upon the duties of such office, must swear or affirm, in the simple language of Johnson, "*that I will be faithful and bear true allegiance to the State of Maryland.*"

On the morning of Thursday, November 7th, Mr. Johnson was unusually active on the floor of the House. His first effort of the day was to repeal the Act passed in 1773 "for the more effectual preservation of the breed of wild deer." The war, no doubt, had made meat increasingly scarce. At any rate, the House agreed with him and it was resolved that no further prosecutions should be made for any breach of the Act.

Following this, Mr. Johnson presented a resolution to remove all doubt concerning the jurisdiction of justices of the Frederick County Court and justices of the peace, resulting from the division of Frederick County. This resolution was adopted, without a roll-call.

Mr. Johnson also sponsored a motion to defer the poll to determine the site for a Court House and prison in Montgomery County until at least twenty days after the first meeting of the General Assembly. In this motion he met with strong opposition; but Chase, Paca and Carroll favored the postponement, and Johnson's motion was adopted.

The final constitutional question before the Convention was: Should every person who refused to subscribe to the Association be disqualified from holding any office of profit or trust in this State, unless by act of the General Assembly? There were many, like Messrs. Chase and Paca, who believed that the non-associators should never be eligible to hold office in Maryland; but Johnson and Carroll of Carrollton took the opposing view, and, by a small majority, the proposed amendment was rejected.

Finally, on Friday, November 8th, 1776, the Delegates, "in free and full Convention assembled," agreed *in toto* to the Constitution and Form of Government.

Mr. Johnson was granted leave of absence on Saturday morning; and on Sunday morning, he was elected, along with Matthew Tilghman, William Paca, Thomas Stone, Samuel

Chase, Charles Carroll, barrister, and Benjamin Rumsey, to represent the State in Congress until the first of March, 1777.

That Sunday afternoon, the members of the Council of Safety were elected; and on the following day (November 11) the Constitutional Convention adjourned *sine die*.

The instrument promulgated as the organic law of Maryland reflected lasting honor upon the statesmen who drafted it. Dugald Stuart, the well-known Scotch philosopher, praised the document in glowing terms; and Alexander Hamilton, the noted American statesman, termed it the wisest of all the Constitutions adopted by the States following their separation from the Crown. Although never submitted to the people for ratification, the Constitution of 1776 proved to be eminently satisfactory; and remained, as amended from time to time, the fundamental law of Maryland from that day until 1851.

The times have changed. The members of the State Senate are no longer chosen by an electoral college. The Governor is no longer appointed by the Legislature. Yet, a portion of the simple oath, recommended by Thomas Johnson during the American Revolution as a prerequisite for public office in Maryland, still remains in the Constitution of the State. And the words of Johnson, recognizing *affirmation* as the equivalent of an *oath*, continue in the Declaration of Rights to guide successive generations along the pathway of religious toleration.

(To be continued)

UNPUBLISHED PROVINCIAL RECORDS

(Continued from Vol. XVII, p. 59.)

The Province of Maryland Dr
In Cash

To the Severall Disbursements to be made as foll viz^t

	£.	s.	d.
To his Excy The Governour for a present made the Pamuncky Indians for the Countrys Service	5..	—..	—
To the same for a Present to the Chapticoe Indians	5..	—..	—
To Mr John Bozman for an allowance made him in October 1706 omitted to be ordered him	5..	—..	—
To Mr Evan Jones for his Sallary in taking care of the Publick buildings this Present Yeare	10..	—..	—
To Mr Richard Young for Cash disbursed for a lock for the back door of y ^e Stad house & putting it on	—..	9..	—
To Mr Amos Garrett for paper bought of him for the publick use 10 quire at 1 ^s 9 ^d	—..	17..	6
To Mr John Beall for Cash by him disbursed for Great paper to Engrosse Duplicates of y ^e Laws	—..	8..	—
To Maj ^r John Freeman in full for his services done the Publick till this time & order of y ^e house	20..	—..	—
To his Excy The Goven ^r for Cash by him paid to a Messenger from New York	1..	2..	6
to p ^d one D ^o from Virg ^a on y ^e publick service	—..	18..	—
To W ^m Bladen Esq ^r for Cash p ^d a Messenger from the Northward	—..	18..	—
To Mr John Young for Cash by him paid for Drill- ing a Countrey Muskett	—..	1..	6
	49..	14..	6

To Maj ^r Generall Lloyd for his ferryages to Kent and over the bay to y ^e Councill in De ^r	—..10.—	
In March	—..10.—	
In August	—..10.—	
In Sept.	—..10.—	
In Dec.	—..10.—	
	<hr/>	2..10.—
To William Coursey Esq ^r for D ^o from Kent to y ^e Councill in Feb ^{ry}	—..13.. 6	
in March	—.. 9.—	
in Aug ^t	—.. 9.—	
in Sept ^t	—.. 9.—	
to this Assembly	—.. 9.—	
	<hr/>	2.. 9.. 6
To Philip Lynes Esq ^r for his ferryages to y ^e Coun- cill in Aug ^t Sept ^r & Nov ^r	—..18.—	
To Thomas Greenfield Esq ^r for y ^e Same	—..18.—	
To Kenelm Cheseldyne Esq ^r for his ferryages to the Councill in March July & Sept. & to y ^e Prov ^l Court in Sept. and to y ^e Councill in Aug. & Nov ^r	01..16.—	
To Capt. John Young for finding wood for the fire in the Councill Chamber till this time	01.—.—	
To William Bladen Esq ^r for Govern ^r Blackistone for his Agency for this Province in full till Sept ^r 1707	120.—.—	
To Rich ^d Bickerdike for his Extraord ^{ry} Trouble in squaring the stones and Paveing the Church &c & th order of the house	5.—.—	
	<hr/>	134..11.. 6
To the severall psons following for their Service on the Guards in full till the time of their discharge according to the List filed Viz.		

To Cap ^t John Young	27.. 6..—
To Samuell Moore	18.. 4..—
To Samuell Leatherwood	7..14..—
To Samuell Smith	15..18..—
To Samuell Johnson	15..18..—
To William Horton	15..18..—
To Benjamine Pittman	14.. 4..—
To John Johnson	7.. 8..—
To David Richards	7.. 8..—
To Thomas Attaway	8.. 2..—
To Richard Hoskins	—..14..—
To Robert Rogers	—..14..—
To Anthony Durant	—..14..—
To George Mann	—..14..—
To Robert Cross	—..12..—
To John Laton	—..14..—
To William Davis	8.. 8..—
To William Anderson	1.. 8..—

It being found that William Bennett^t & Richard Turner were Employed by order of his Excellency The Govern^r for the Publick Service and not by y^e Sheriffe of Annarrundell County as was supposed, they are allowed as foll.

Vix ^t To William Bennett for 7 months Service on the Guard	21..—..—
To Richard Turner for 5 month D ^o	15..—..—
	187..18..—

To the Severall members following for their ferryages to the last and this Assembly Viz.

	£.	s.	d.
To Mr John Macall	0..	6..	—
To Col ^l Walter Smith	—..	6..	—
To Mr Robert Skinner	—..	6..	—
To Mr Nathaniel Dare	—..	6..	—
To Col ^l James Smallwood	—..	12..	—
To Mr William Wilkinson	—..	6..	—
To Mr Thomas Crabb	—..	6..	—

To Mr Walter Storey	—.. 6..—
To Mr Robert Bradly	—..12..—
To Mr Robert Tyler	—..12..—
To Mr John Bradford	—..12..—
To Mr Philip Lee	—.. 6..—
To Col ^l James Maxwell	—..12..—
To Mr James Philips	—..12..—
To Mr Richard Colegate	—..12..—
To Mr Aquila Paca	—.. 6..—
To Mr William Pickett	—.. 6..—
To Mr William Stone	—.. 6..—
To Mr William Herbert	—.. 6..—
To Mr John Beall	—.. 6..—
	<hr/>
	8..02..—

To the severall members following for their Attend^a Eight days

Reducted from their Tobacco Allowances Viz—

To Mr Thomas Truman Greenfield for 8 days Attendance as above	4..13.. 4
To Mr Henry Peregrine Jowles for D ^o	4..13.. 4
To Mr Joshua Guybert	4..13.. 4
To Col ^l James Smallwood	4..13.. 4
To Mr William Wilkinson	4..13.. 4
To Mr Thomas Crabb	4..13.. 4
To Mr Walter Storey	4..13.. 4
To Mr James Maxwell	4..13.. 4
To Mr James Philips	4..13.. 4
To Mr Richard Colegate	4..13.. 4
To Mr Aquila Paca	4..13.. 4
To Mr Thomas Covington	4..13.. 4
To Mr Daniel Pearce	4..13.. 4
To Mr John Salter	4..13.. 4
To Mr Philemon Hemsley	4..13.. 4
To Mr Solomon Wright	4..13.. 4
To Mr John Whittington	4..13.. 4
	<hr/>
	79.. 6.. 8

To Maj ^r Nicholas Lowe	4..13.. 4
To M ^r Thomas Robbins	4..13.. 4
To M ^r Robert Ungle	4..13.. 4
To Maj ^r George Gale	4..13.. 4
To M ^r John West	4..13.. 4
To M ^r Samuel Worthington	4..13.. 4
To M ^r Philip Lee for 4 days	2.. 6.. 8
To Kenelm Cheseldyn Esq ^r in full for his Tob ^o Allowances am ^o to 9660 at 1 ^d 3 ^p lb	40.. 5.—
To Co ^{ll} William Holland for 8 days attend ^a De- ducted out of his Tobacco allowance	5.—.—
To Co ^{ll} Sam ^{ll} Young Esq ^r for D ^o	5.—.—
To William Coursey Esq ^r for 12 D ^o	7..10.—
To Maj ^r Generall Lloyd for D ^o	7..10.—
To Co ^{ll} Thomas Greenfield for 8 D ^o	5.—.—
To Philip Lynes Esq ^r for D ^o	5.—.—
	<hr/> 105..11.. 8
To M ^r William Taylard for the use of his house 2 rooms for the Committee of Laws and Co ^m ittee of Aggrievances and finding them fire this Assembly	5.—.—
To M ^{rs} Jane Burnell for one dit ^o for the Comittee of Acco ^{ts}	2..10.—
To M ^r Benj ^a Fordham for one d ^o for a Speciall Committee	—..15.—
To M ^r John Coode Sen ^r of St Marys County for his ferryage to the last & this Assembly	—..12.—
To M ^r Thomas Truman Greenfield for D ^o	—..12.—
To M ^r Henry Per. Jowles for D ^o	—..12.—
To M ^r Joshua Guybert for D ^o	—..12.—
To M ^r Philemon Hemsley for half a Years Con- veyance of Publick Packetts from Queen Anns County y ^e last of his Sheriffalty	2..10.—
To M ^r Thomas Jones for engrossing two Copies of the Address Concerning the Gage of Tob ^o hogs- heads &c	1.—.—
	<hr/> 14.. 3.—

Brought from fol. 1	49..14.. 6
2	134..11.. 6
3	187..18.—
4	8.. 2.—
5	79.. 6.. 8
6	105..11.. 8
7	14.. 3.—

Sume Totall of money allowances 579.. 7.. 4

So ends y^e Journall

Th. Bordley, Clk. Com.

14th X^{br} 1708

Read & assented to by y^e
house of Delegates: signed ¶
Order

Rich^d Dallam Clk ho: Del.

Ap^l 19th 1709

15th X^{br} 1708 Read & as-

sented to by y^e Hon^{ble} her
Maj^{ties} Councill & signed ¶
Order

W. Bladen Cl. Con^l

The above is a true Copy of y^e Journall of y^e Com^{tee}
of Acco^{ts} allowed of & passed in Assembly 29th Nov^r 1708.

Phile. Lloyd Depty Sec^{ry}

The Titles of the Severall Laws made
the Last Session of Assembly in Décembre 1708
with Remarques thereon

An Act for setling the Rates of fforreign Silver Coyns within
this Province

(1) Her most Sacred Majesty by her Royall Proclamation
of the 18th June 1704 for setling and ascertaining the Currant
rates of Forreign Coyns in her American Plantacons in order
to prevent the indirect practice of drawing monys from one
Plantation to another and by an Act of Parliament of her
Kingdom of England made in the Sixth Year of her Majestys

Reigne for Ascertaining the rates of those Coynes seeming to give leave that the said Coynes should be Currant here according to the Severall Species mencond in her Maj^{ts} Proclamation Altho not by the said Act of Parliament so Enacted is the humble assurance this poor Province has her Majesty will not refuse this Law as proposed the said Species of Forreigne Coyne being rated as in the said Proclamation saving the Dog Dollars or Dollars of the Low Countreys which being the only Generall Coyne among us and of so many Provinces and of Different Values that it would be very difficult to make A true estimate, being comonly valued from Three shillings and Three pence to Three shillings and five pence are setled at ffour shillings and six pence.

An Act Ascertaining what Damages shall be allowed on
Protested Bills of Exchange.

(2) The greatest part of the Inhabitants of this Province being very greedy of Creditt and having larger Expectations from the home markett for their Export than reasonable or at least than experience has given encouragement to have of late Years drawne so many Bills of Exchange on their Merchants Consignees and other that fortune herself being ashamed to second their Extravagant hopes they are become miserably involved in greater debts as well to the Merchants in London as to other Traders in this Province then their all will suffice to discharge And their large Allowance of Twenty ³/₄ Cent Damages on Protested Bills of Exchange being observed to be the only motive to such large creditt so pernicious to this Province The lessening it was thought the only Expedient to prevent that mischief in order to keep within compass A careless unthinking People many of whom for fear of Imprisonm^t have lately deserted their Plantations perhaps before Mortgaged to the most Eminent Merchants in London and withdrawne themselves to North Carolina and elsewhere, to the great Diminution of her Maj^{ts} Revenue of Customs on Tobacco.

An Act for Relief of poor Debtors and Languishing Prisoners

(3) The Preamble of this Law is matter of fact, and the wofull Circumstances of many Masters of familys requiring some reasonable releif this method has been thought the only means to prevent many hundreds from deserting their settlements and retiring to North Carolina and elsewhere which is very often put in practice here: The Oath the Debtors are to take seeming to be very full and the Penalty if Perjured severe enough? What can the creditors expect but the Debtors whole Estate, Tis allowed this Law will be a means to prevent large Credit being given to such persons who are not in very good circumstances at the same time their is charity and faith enough to supply the poorest with necessarys very good provision being made by the County Courts so that there are no beggars in this Country.

The rules laid downe for surrendering up Estates and Division to be made of them seem most equall and Just; There are two things in this Law which look Od'ly Viz^t

That A Duplicate of the prisoners discharge shalbe sufficient on appearance Given to discharge him from any Arrest for any Debt contracted during the continuance of this Law, The Assembly thought the people who have Allready Lain in prison so long not fitt to be credited in some Yeares and therefore have thereby set A marke on them to prevent their being trusted Yet the Justices Sale barring the wife of her Dower though it be for the delivering her husbands body I am told is contrary to the Comon Law.

An Act appointing Court days in each respective County
within this Province

(4) The Country being sencible that too many and frequent County Courts were not only burthensome but chargeable and that Two of the Six Viz^t January and September Courts might be well spared have thought fitt to reduce them to four in the Year which is beleiv'd will be sufficient to Answer the end proposed.

An Additionall Act to the Supplementary Act for Advancement of Trade and Erecting Townes and Ports within this Province and for Sale of some Publiq Lands and buildings in the Towne of St. Mary's in St. Mary's County.

(5) The Title of this Law being the whole scope of it shews how desirous the Inhabitants of this Province are to have Towns Convenient for Cohabitation and Commerce, and if her Majesty has graciously Allow'd the former Laws of this nature this may hope the same fortune. The Ports in this Province may perhaps be worthy of the name of Townes but the other Towns will only serve for Rolling places to receive Tobaccos in order to be water borne.

The Planters here being so Vastly indebted to the Merchants Allmost dispair of clearing themselves and if consigning A small Quantity of Tobacco Yearly will keep of their Creditors they care not how mean the quality is; likewise those who are indebted in the Country care not what stuff they can pack of by which means the Credit of the Market in Europe is much Impaired and will put others at home who are not neer so well quallified to make tobacco upon vieing with us, Especially freight being so high as it now is—Sixteen and Seaventeen Pounds £ Ton. But the Slovenly Planter will be ashamed to have his Tobacco brought to These Townes and Rolling places.

An Act Directing the Manner of Electing and Sumoning Delegates and Representatives to serve in Succeeding Assemblies.

(6) The former Law for this purpose obliging the Elections to be made at the County Courts there being now but four of them in one Year It might be very ill convenient on Emergency's not to be able to make an Election under three or four months Therefore power is hereby given the Justices to sitt when they see convenient in order to the said Elections And a mistake in the former Law relating to y^e Indentures is rectified.

An Act Ascertaining fees to the Attorney's and Practitioners of the Law in the Courts of this Province and for Leavying the same by way of Execution.

(7) As this Law occasioned the hottest debates of the Session so it was with as great difficulty agreed to by her Majestys Councill, The Attornys did not desire their fees should be on Execution but were content with what had been thought reasonable they should take for many Years ffour hundred pounds of tobacco in the Provinciall Court, Eight Hundred in the Chancery Sixteen hundred before the Governour and Councill and in some County Courts One Hundred and in others Two hundred Pounds of tobacco for which they prosecuted and Defended the causes from begining to end drawing the pleadings, and pleading the causes at Barr without any terme or other for whatsoever if it hung never so long But this Assembly being many of them Justices of the County Courts and Extremely desirous to enlarge their Jurisdiction and Authority and what in them lay to discontinue the Judges of Assizes newly set on foot by whose coming into their severall Countys their Grandeur seemd to be Eclipsed formed this Law not only to restraine the Attornys from taking Exhorbitant fees but wholly to discourage those who were most capeable to serve their Clyents from going the Circuits or really any Ingenious men who can live anywhere Elce to come hither making the practitioners incapable to receive the good will of their Clyents and had they not been gratified in the passing this Bill they would have left the Temporary Laws expired or broke up as before.

An Act Reviving An Act of Assembly of this Province Intituled an Act for the Ordering and regulating the Militia of this Province for the better defence and security thereof made at a Session of Assembly begun and held at the Port of Annapolis December the fifth 1704.

(8) This Bill having Twice past the House of Delegates and ordered to be Engrost upon some Suddaine motion in that

house was referd to the Consideration of the next Assembly during which time the Province would have been without A Militia. What could be their Motive the Councill and myself were altogether Ignorant of but being Apprehensive they were Jealous Wee should Leavy the fifty Thousand pounds of Tobacco for defraying the necessary charges in the Intervalls of Assembly as the Councill and my self had never disposed of one pound of the Countrys Tobaccoe so I declared to them I despised so mean a thought and that if this Bill were dropt this should be no Session for that no other Bill should be past whereupon they Imediately sent it up Assented to by their house.

An Act Reviving An Act of Assembly of this Province Intituled An Act Imposing 3^s ₤ Gallon on Rum and Wine Brandy and Spirits and Twenty Shillings ₤ Poll for Negroes for raising A Supply to defray the Publick charge of this Province and Twenty Shillings ₤ Poll on Irish Servants to prevent the Importing too great A Number of Irish Papists into this Province made at A Session of Assembly begun and held at the Port of Annapolis Decem^r the fifth Anno Dni 1704.

(9) The Reviving of this and the other temporary Laws for Imposts &c was next to her Majestys Imediate Commands the Cheif motive of calling this Assembly who contrary to the Expectation of some ill Wishers to the prosperity of this Government have once more in my time raizd the necessary funds for support of Government for the terme of Three Yeares and till the next Session of Assembly After.

An Act Reviving an Act of Assembly of this Province Intituled An Act laying An Imposition of Three pence ₤ hogshead on Tobacco for defraying the Publick charge of the Province made At A Session of Assembly begun and held at the Port of Annapolis December the 5th 1704.

(10) This Law raising About Three hundred Pounds ₤

Annum for defraying the Publiq charge of the Province is upon the same foot with the preceeding one being Continued for Three Years and to the end of the next Session of Assembly which shall happen thereafter. The best part of this fund being Generally applyd to the defraying y^e Delegates Expences past the house without further consideracōn.

- (11) An Act Reviving An Act of Assembly of this Province Intituled An Act for Limitation of Officers fees made at A Session of Assembly begun & held at the Port of Annapolis December 5th A^o Dni 1704.

The Countrey in Generall being much Averse to S^r Thomas Lawrence Barron^{tt} her Maj^{ts} Secretary of this Province have resolved to lessen the fees the next Session at least propose it, for I shall never consent thereto without her Majestys direction And this I take to be the True reason why they would not be prevailed upon to Revive the Law for Three Years as Usual.

- (12) An Act confirming and Explaining the Charter to the City of Annapolis.

With the Advice of her Majestys Councill I have granted A Charter to the Towne and Port of Annapolis so called in Honour of her most Sacred Majesty thereby Erecting it into A City by that name. Some troublesome persons not being satisfied therewith Peticoned the late Convention who were of opinion the clause in my Comission Impowring me to make Citys Towns and Burroughs was not sufficient and many of that Convention being returnd to this Assembly were obliged to do somewhat to answer their boasting in their respective Countys and for my part I could not think an Act of Assembly confirming that Charter any Lessening to my Comission many Acts of Parliament in England having been made for the same end tho there was no necessity to make A Law to reserve the Publick Lands and buildings and Jurisdiction of Ann Arundell County Court allready settled by Two Severall Acts of Assembly. Wherefore if Your Lordship approve of

the Charter the copy herewith being transmitted and do not think the small Priviledges granted reasonable none of the Corporation are desirous her Majesty should Assent to the Law but rather that she should refuse it since the Justices & Sheriff of Ann Arundell County are to Exercise Jurisdiction in the City more then necessary for holding County Court contrary to the Nature of A City, which has its owne Sheriff and many of the small priviledges the Councill thought reasonable Abridged.

- (13) An Act Reviving A Certaine Act of Assembly of this Province Ascertainning the height of Fences to prevent the Evill occasioned by the Multitude of Horses and restraining Horse Rangers within this Province.
- (14) An Act Reviving An Act of Assembly of this Province Intituled An Act for incouragement of Tillage and Releif of Poor Debtors made at an Assembly begun and held at the Port of Annapolis December the fifth Anno Dni 1704.
- (15) An Act for Payment and Assessment of the Publick charge of this Province and Giving time to the Sheriffs to Demand the Publick dues till the first of March this present Year 1708. This Law only serves for the present particular purposes therein exprest.
- (16) An Act for the Naturalization of Benjamin Dufour of Ann Arundell County Planter Jeustus Engelhard Kethin of the same County Painter and James Roberts of Calvert County Planter.
- (17) An Act confirming the Title of A Certain Tract of Land therein mencond to John Hyde of the City of London Merchant and also confirming to the Heir at Law of John Gandy late of the said City mariner Deceased all other the Lands in this Province in the said Act mentioned.

- (18) An Act Impowering Trustees to sell severall parcells of Land late the Estate and Inheritance of Thomas Sterling Deceas'd for Redemption of A Mortgage made by him to Jn^o Hyde of London Merchant for the benefit of Christian Stirling A Minor.
- (19) An Act Impowering certain Trustees to Sell A Tract of Land in Talbott County calld Franckford St. Mich-aell late the Estate and Inheritance of W^m Harris late of Calvert County and with the money thereby Arizing to Purchase other Lands for the use of Joseph and Benjamin Harris and the Heires of their bodys According to the direction of the Last Will and Testament of the said William Harris.

An Act for confirming and making valid the last will and Testament of Coll. John Contee.

- (20) These five Last Acts being Private Bills the Councill and house of Delegates had all the sattisfaction they could Desire given them both at the Board in the house and the Comittees by the Peticoners who brought in the Bills and with the Advice of the Councill I assented thereto.

PROCEEDINGS OF THE SOCIETY.

(Abstracts.)

February 14, 1922.—The regular meeting was held with the President in the chair.

The President announced that the meeting mentioned in the minutes for January, was held on the 24th ultimo, with an attendance of about sixty persons. The disposition of Fort McHenry was discussed at length, and it was the sense of the meeting that the Fort and grounds should be retained by the United States Government as a Military Reservation and National Park.

A collection of nine interesting medals was presented on behalf of Mrs. William H. Whitridge.

The following persons were elected to active membership:

M. Warner Hewes,	John F. Nolan,
Alexander Preston,	Charles E. Manger of E.,
Wm. H. Stayton, Jr.,	Robert W. Williams,

and Miss Mary P. Tunnelle to associate membership.

A letter was read from Mrs. Charles J. Bonaparte expressing her thanks to the Society for the Resolution adopted at our last meeting.

March 13, 1922.—The regular meeting was held with the President in the chair.

The following donations were announced: Souvenir medal of Yorktown Celebration from Mrs. Wilfred P. Mustard; Wrapping paper made from mutilated currency, from Mrs. Wm. H. Whitridge; Letter-copy book of Charles Carroll Harper from Peabody Institute; Military census of Baltimore, 1812 and other War of 1812 papers, from L. H. Dielman; Peace dollar of 1921 from an anonymous donor.

The following were elected to active membership:

E. Francis Riggs,	Mrs. Ellen Channing Bonaparte,
Frank C. Purdum,	Oscar L. Morris,
Mrs. Andrew M. Reid,	Henry E. Treide,
Miss Ella A. Webb,	Mrs. Nicholas L. Dashiell,
Mrs. J. Addison Cooke,	Henry H. Klinefelter,
Dr. George Watson Cole,	Very Rev. Edward R. Dyer,
Mrs. Clarence A. Tucker,	Rev. Louis R. Stickney,
J. Allen Coad,	Rev. Arthur B. Kinsolving,
Major Wm. Burnett Wright, Jr.	

The necrology was announced as follows: Faris C. Pitt, Charles C. Homer, Jr., Dr. B. Bernard Browne.

The President then presented Hon. John W. Garrett, who addressed the Society on the Washington conference for the Limitation of Armaments.

At the conclusion of the address the house was thrown open for inspection, particular attention being called to the recently acquired Bonaparte collection.

April 10, 1922.—The regular meeting was held with the President in the chair.

The following donations were announced: Stock certificate in Baltimore-Frederick Turnpike Co., Certificate of bonus paid "Negro Joseph" for 5 crow's heads, Framed order of payment signed by Gov. Thomas Johnson and countersigned by Elie Valette, all from Dr. Henry Barton Jacobs.

The President read a letter from Mrs. Josias Pennington, presenting on behalf of Chapter I of the Colonial Dames of America, a specimen of the Henrico Medallion, designed by Dr. A. J. Volck, commemorating the first university in America, at Henrico, Va.

The President announced the receipt of a large collection of papers from the Baltimore Custom House, secured from the Secretary of the Treasury, through the efforts of Senator France, Dr. J. Hall Pleasants, the Collector of the Port, and the President of this Society. The papers include one hundred and forty-one tax and assessment lists for Anne Arundel, Baltimore city and county, Caroline, Charles, Harford, Queen Anne's, Somerset and Talbot counties; sixteen bundles and rolls for Prince George's, and two for St. Mary's Counties; Sailing permits, Inventories of cargoes, and accounts of duties on carriages for the District of Maryland, 1794-1798; Articles of agreement between a Committee of Merchants of Baltimore and the officers and crew of the Galley "Conqueror," etc., etc.

Resolutions of thanks to Hon. A. M. Mellon, Secretary of the Treasury, Charles H. Holtzman, Collector of the Port, and to Senator Joseph I. France, were introduced and adopted.

Dr. B. C. Steiner, on behalf of the Publication Committee announced that proof was read for Volume XLI of the *Archives*, and that the increase of our appropriation from three to five thousand dollars annually had been placed in the Governor's budget, thus permitting the publication of one volume of the *Archives* annually. Dr. Steiner also called the attention of the Society to the long and faithful service rendered to the Society and to the State of Maryland, by Miss Lucy Harrison, who has for forty years copied the material for the *Archives of Maryland*, she being the first and only copyist ever engaged in that work. He moved that the thanks and appreciation of the Maryland Historical Society be extended to Miss Lucy Harrison for the high character of her work and for her long and faithful service to this Society and to the State of Maryland in transcribing the Maryland Archives. The resolution was unanimously adopted.

Mr. Howard Clinton Beck then read a paper on "Early American Stamp Acts" and exhibited many specimens of stamps and stamped paper issued under the various acts.

CORRECTION, REVIEWS, NOTES.

Correction.—"My object in writing the article 'Lloyd Graveyard at Wye House' in the April number of the *Magazine* was the preservation of the old tombstone inscriptions and it is material, therefore, that an error on page 30 should be noted; Col. Edward Lloyd was born 15 November 1744—not 1774 as printed.

"And on the monuments of Col. Edward and Ann (Rousby) Lloyd, page 29, the lions rampant in the arms and demi-lions rampant in the crest should have been described as rampant regardant, that is with the head turned and looking back, and so varying from earlier representations."

McHENRY HOWARD.

Journal of a Lady of Quality; being the narrative of a journey from Scotland to the West Indies, North Carolina and Portugal, in the years 1774 to 1776. Edited by Evangeline Walker Andrews, in collaboration with Charles McLean Andrews. Yale Press, New Haven, 1921.

Although the "Lady of Quality" lived in the eighteenth century, and wrote her journal close upon 150 years ago, one is quite sure, were it possible for her to awaken from her long sleep to take a place among the men and women of today, such is the temper of this woman, no one would say of Miss Schaw that she belonged to a past age, or even suggest in a tone of kindly tolerance that she was "conservative." Has any twentieth century flapper expressed her independence of conventions in words so concise and delicious as these: "You have formed a wrong idea of my delicacy—I find I can put it on and off like any piece of dress." Or what modern woman could tell with finer humor the racy tale of the handsome cooper among the emigrants on board who fixed his fancy upon a young wife and thereby ran foul of the wrathful husband? And again in a passage of her journal, in describing the care taken of their complexions by the ladies of the West Indies, she says of herself: "As to your humble servant I have always set my face to the weather wherever I have been." In that sentence she describes not her personal appearance, as she fancies, but reveals her very self and sounds the key-note of the whole journal. As one reads the vivid recital of the seven weeks' sea voyage from Scotland to the island of Antigua, one knows that only a woman who had the spirit to set her face to the weather wherever she is could find matter of keen interest and even enjoyment in experiences such as she describes. Storms so severe were encountered that at one time "nine hogsheads of water which were lashed on the deck gave way . . . and went overboard with a dreadful noise. Our hen coops with all our poultry soon followed, as did the Cabin house or kitchen with all our cooking utensils, together with a barrel of fine pickled tongue and above a dozen hams." When the storm had abated mast, sails and rigging were lying on the deck and the ship was an inactive hulk. And still Miss Schaw can write "how sound she sleeps," and that one "must cross the Atlantick to properly relish [the food] as we do"—and that after nearly all their provisions had been swept overboard and she and her several companions were facing possible starvation.

It is with a sense of great relief that the reader comes to the close of that stormy and eventful voyage and rejoices with Miss Schaw at the sight of land—the island of Antigua. Once more she sets her face to the weather. But in this enchanted tropical island, as later on in St. Kitts, the days are one long delight; and our Lady of Quality brings to the enjoyment of fair, soft weather the same keen humor and triumphant vitality with which she meets the tempest. Having oneself had a glimpse of Antigua and St. Kitts and having felt the fascination of the warm radiance of their nights and the charm and interest of unfamiliar ways and scenes it is a strong temptation to linger here, not to follow Miss Schaw further. But to the student of American history her stay in North Carolina at the dawn of our Revolution may well prove the most interesting part of the book. She is so loyal a British subject one feels she had to stiffen her features and set her teeth hard to face the gales that were beginning to blow in the colonies. Even an American can understand and sympathize with her indignation and distaste at much that she saw and heard.

The journal closes with a sprightly and most entertaining description of Miss Schaw's stay in Lisbon on her return journey to Scotland. One always puts down with regret any book that has been delightful to read—in closing the journal of this Scotch lady one adds to that regret the pang of parting from an intrepid traveller, a keen and kindly observer, a woman of unusual charm.

CAROLINA V. DAVISON.

Supplement to Genealogies by Edwin Jaquett Sellers. Philadelphia, 1922. Pp. 73. Supplementary data to the twelve genealogies published by the author, 1890-1916.

Wilmer Atkinson, An Autobiography. Founder of the *Farm Journal*. Philadelphia, Wilmer Atkinson Co., 1920. Pp. 375.

A gossip account of a useful life; a record of achievement of very considerable interest, that might have gained by compression or excision.

The Evolution of Long Island. By Ralph Henry Gabriel. Yale Press, 1921. Pp. 194. \$2.50.

“The problem of the present study is to trace the development of a people as it has been affected, not only by its social and economic, but by its natural surroundings.”

This sentence from the foreword summarizes the treatment of the subject. Beginning with a geological description of the locality, the author develops the history of Long Island from the earliest settlement to the present day and shows in an interesting and convincing manner how the various climatic, geographic and economic conditions have made the island what it is today. A good map and a bibliography complete this scholarly work.

Life of Roger Brooke Taney. By Bernard C. Steiner, Ph. D. Baltimore, Williams & Wilkins Co., 1922. Pp. 553. \$6.00.

For fifty years Tyler's life of Taney has been considered the definitive biography, but the author of the present work having obtained access to the correspondence of Taney with Jackson and Van Buren, has made a complete study of the legal and judicial career of his subject. The work is well printed and fully annotated and indexed. Reserved for review in a future issue.

Mayflower Descendants and their Marriages for two Generations after the Landing. Bureau of Military and Civic Achievement, Washington, D. C., 1922.

This pamphlet by reason of the ready-reference arrangement of the data contained should prove of great interest to genealogists and descendants of the Mayflower immigrants.

The Decatur Genealogy. By William Decatur Parsons. Privately printed. New York, 1921. No. 8 of edition of fifty copies.

History of Minnesota. By William Watts Folwell. In four volumes. Vol. 1. Saint Paul, 1921. Pp. 533.

In his introduction the Editor says: "For over seventy years the Minnesota Historical Society has been garnering the materials for the history of the state. As a result of Dr. Folwell's industry and generosity, the society now has the privilege of publishing a four-volume *History of Minnesota* based in large part on those materials. The present volume deals with the period of beginnings—the span of almost two centuries from the coming of the first white men to the organization of Minnesota as a state in 1857. Through the pages of the opening chapters march the fur-traders, the explorers, and

the missionaries — French, British and American — with the native Indians in the background.”

The book is well printed and well illustrated, with bibliographical and critical annotations. It will doubtless prove to be the definitive history of the state.

The County Court Note-Book. A little bulletin of History and Genealogy. Mrs. Milnor Ljungstedt, Editor and Publisher, Bethesda, Maryland. Published every other month. Subscription \$1.00 per annum.

The fourth number of volume one of this valuable “little bulletin” is at hand. Judging from the number of queries inserted, it is apparently gaining rapidly in popularity, in spite of its limited field of genealogy. The present issue contains “Marriages by Inference,” “The Name Mourning,” “The Webbs,” “New Englanders and others in Early Virginia Records,” “Prince William, Va. Bonds,” editorial, etc. We wish the editor every success in this undertaking.

Foard (Ford) Chart. Presented by Mrs. Maria Ford Massey.
